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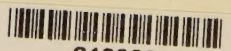
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HANSARD'S
PARLIAMENTARY
DEBATES:

Third Series;

COMMENCING WITH THE ACCESSION OF

WILLIAM IV.

8° VICTORIÆ, 1845.

VOL. LXXVII.

COMPRISING THE PERIOD FROM

THE FOURTH DAY OF FEBRUARY,

TO

THE TWENTY-SIXTH DAY OF FEBRUARY, 1845.

First Volume of the Session.

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R. BALDWIN.

1845.

TABLE OF CONTENTS

TO

VOLUME LXXVII.

THIRD SERIES.

I. QUEEN'S SPEECH.

II. SUBJECTS OF DEBATE IN THE HOUSE OF LORDS.

III. SUBJECTS OF DEBATE IN THE HOUSE OF COMMONS.

IV. LISTS OF DIVISIONS.

I. QUEEN'S SPEECH.

1845.					<i>Page</i>
Feb. 4.	The Queen's Speech	...	...	...	1

II. SUBJECTS OF DEBATE IN THE HOUSE OF LORDS.

Feb. 4.	Meeting of Parliament	...	...	1
	Address in Answer to the Queen's Speech	...	...	5
	The Army in Scinde—Letter from Major-General Sir Charles Napier, relating to Vote of Thanks	...	...	44
10.	Address to Her Majesty—Her Majesty's Answer	...	...	223
	Business of the House—Question	...	...	223
	Bail in Error—Challenge of Array—Questions	...	...	224
	Finance—Import Duties—Motion for the production of Papers			228
11.	Private Business—Lord Shaftesbury's Motion that no Petition in favour of a Private Bill be received after the 8th of April, and no Report from the Judges thereon after the 5th of June	...		240
11.	Business of the House—Answer to Question	...	...	240
	Commissioners of Bankruptcy in London—Explanation	...	...	242

TABLE OF CONTENTS.

1845.		Page
<i>Feb.</i> 13.	Absent Debtors—The First Reading of a Bill ...	347
	Railways—Goods and Passengers' Tariff—Presentation of a Petition ...	348
	Railway Department of the Board of Trade—Report laid on Table and ordered to be Printed ...	351
14.	Health of Towns—Presentation of a Petition ...	449
	Irish Constabulary Appointments—Notice of Motion ...	453
17.	Railway Reports—Question ...	511
	Roman Catholic Penal Acts—Question ...	526
20.	Railways—Returns laid on Table of the House—Questions ...	825
21.	Sugar Duties—Motion for the production of Papers ...	924
	Loss of Newspapers posted—Motion for production of a Return of the number of Applications addressed to the Authorities of the Post Office, complaining of the miscarriage and loss of Newspapers passing through Post Offices during the last Twelve Months ...	927
	New House of Lords—Explanation ...	927
24.	Local Taxation—Question ...	1025
	Abolition of Deodands—The First Reading of a Bill ...	1027
	Railways—Board of Trade—Report laid on Table—Question .	1034
25.	Commissioners in Bankruptcy—Question ...	1153

III. SUBJECTS OF DEBATE IN THE HOUSE OF COMMONS.

<i>Feb.</i> 4.	Scinde—Letter from Major-General Sir Charles Napier, relating to Vote of Thanks ...	44
	Address in Answer to Her Majesty's Speech ...	45
5.	Railway Reform—Question ...	133
	Sessional Orders—Interference of Peers—Explanation ...	134
	Admission of Strangers to the House—Mr. Christie's Amendment ...	137
	Private Committees—Railways—Board of Trade—Question ...	138
	County Courts—Question ...	152
	Law of Settlement—Question ...	152
	Harbours of Refuge—Question ...	153
	Address in Answer to Her Majesty's Speech—Report agreed to	154
6.	The Address—Presentation of Address to Her Majesty—Her Majesty's Answer ..	164
	Thames Embankment Bill—Question ...	164
	Banking System (Scotland)—Question ...	165
	Tahiti—Question ...	166
	Ecclesiastical Courts—Question ...	169
	Monte Video and Buenos Ayres—Question ...	169
	Railways—Board of Trade—Motion for Leave to bring in several Bills—Leave given to bring in the first Bill, and all the other Bills in succession ...	170
	Corn Laws—Agricultural Protection—Order of the Day read and agreed to ...	185

TABLE OF CONTENTS.

	Page
1845.	
Feb. 7. Private Business—Postponement of Mr. Wallace's Motion for a Select Committee to inquire into the mode of conducting Private Bill Business in the House	208
Poor Law Unions (Ireland)—Question	208
Post Office Committee Report—Question	210
Financial Statement—Government Explanation	211
Weights and Measures (Scotland)—Question	211
Supply—House in Committee	212
Gilbert Unions—Poor Law Motion for a Select Committee ..	215
Poor Law Commissioners—Motion for the production of Papers	218
Railways—Standing Orders—Motion for resuming Adjourned Debate	220
10. Lord Ellenborough—Questions	237
Idolatry in India—Questions	238
Revision of the Rubric—Presentation of Petition	238
Export Duty on Coals	240
11. Poor Law (Scotland)—Question and Explanation	244
Railways—Motion for Leave to bring in a Bill—Motion withdrawn	246
Medical Officers of Poor Law Unions—Motion for the production of Papers	298
Law of Settlement—Motion for Leave to bring in a Bill ...	313
Mail Exemptions from Toll—Motion for Leave to bring in a Bill negatived	334
12. The Earl of Malmesbury — The Dorchester Railway — Explanation	337
The Canadian Elections — Question	339
Destruction of the Portland Vase—Question	341
Trade with Brazil — Question	342
Financial and Commercial Statement—Question and Explanation	344
12. Supply—House in Committee	345
13. Privilege—Motion of the Solicitor General, that Sir W. Gossett have leave to appear and plead to Action	382
State of the Navy—Sir C. Napier's Motion for Select Committee —Division Lists, &c.	383
Commissioners of Greenwich Hospital—Motion for Leave to bring in a Bill	441
Emigration—Dr. Rolph—Motion for the production of Papers .	444
Railway Companies Clauses Consolidation Bill—House in Committee	445
14. Commercial Treaty with Turkey—Question	454
Financial Statement—The Budget—House in Committee of Ways and Means—Government proposition for renewal of the Income Tax	455
The Naval Estimates—Question	510
17. Sugar Duties—Question	528
Title of King Consort—Question	529
Railway Department—Board of Trade—Question	530
Financial Statement—The Budget—House in Committee of Ways and Means—Mr. Roebuck's Amendment to leave out the words "Professions, Trades, and Offices," from the Government Proposition relating to the renewal of the Income Tax—Division Lists, &c.	542

TABLE OF CONTENTS.

1845.	Page
<i>Feb.</i> 18. Employment of Children in Calico Print Works—Lord Ashley's Motion for Leave to bring in a Bill—Leave given ...	638
Opening Letters at the Post Office—Mr. T. S. Duncombe's Motion for the Appointment of a Select Committee—Debate Adjourned ...	668
19. Railways—Committee on the Companies Clauses Consolidation Bill, deferred ...	746
The Affair in Calabria—Question ...	746
Sperm Oil—Question ...	751
The Income Tax—House in Committee of Ways and Means—Mr. Roebuck's Amendment to add to the Government Proposition relating to the renewal of the Income Tax, the words, "And that the Provisions of the said Act, as far as regards the Tax on Property, be extended to Ireland"—Division Lists, &c. ...	751
0. Communication with India—Question ...	826
Employment in Workhouses—Question ...	827
Bastardy—Question ...	827
The Bandieras—Question ...	827
Smoke Prohibition—Motion for Leave to bring in a Bill ...	831
Pains and Penalties on Roman Catholics—Motion for Leave to bring in a Bill—Leave given—The First Reading of the Bill ...	833
Clerks of Petty and Quarter Sessions—Motion for Leave to bring in a Bill ...	834
20. Opening Letters at the Post Office—Adjourned Debate on Mr. T. S. Duncombe's Motion for a Select Committee—Debate again Adjourned ...	834
21. Companies Clauses Consolidation Bill—House in Committee ...	928
Sugar Duties—Question ...	932
Opening Letters at the Post Office—Adjourned Debate on Mr. T. S. Duncombe's Motion for a Select Committee—(Third Night)—Original Motion withdrawn—Division Lists on Viscount Howick's Amendment ...	932
24. Sugar Duties—Drawbacks—Question ...	1042
International Copyright Question ...	1042
Sugar Duties—On Motion that the Order of the Day for the House to go into a Committee of Ways and Means be now read, Amendment proposed by Mr. M. Gibson—Division Lists, &c. ...	1043
25. Railway Consolidation—House in Committee—Mr. Aglionby's Amendment to Clause 10—Division Lists, &c. ...	1155
Holyhead Harbour—Question ...	1163
Court of Session, Scotland—Motion for Leave to bring in a Bill—Motion withdrawn ...	1163
Treatment of Liberated Africans—Motion for the production of Papers ...	1173
Hong-Kong—Motion for Address to Her Majesty ...	1203
Medical Profession—Motion for Leave to bring in a Bill—Leave given—The First Reading of the Bill—Leave also given to bring in a Bill relating to Charters to certain Colleges of Physicians and Surgeons—The First Reading of the Bill ...	1211
Appointment of Lord Lucan—Motion for the production of Papers ...	1221

TABLE OF CONTENTS.

1845.			<i>Page</i>
<i>Feb.</i> 26.	Bishopric of Bath and Wells—Question	...	1233
	Graveyards in the Metropolis—Explanation	...	1234
	Sugar Duties—On Motion that the Order of the Day for the House to go into a Committee of Ways and Means be read,—		
	Amendment proposed by Lord J. Russell—Division Lists, &c.	... ..	1234

IV. LISTS OF DIVISIONS.

The Ayes and the Noes on Sir Charles Napier's Motion for a Select Committee to inquire into the manner in which Money voted for the Construction of Ships has been expended, &c.	...	440
The Ayes and the Noes on Mr. Roebuck's Amendment to the Government Proposition relating to the Renewal of the Income Tax	... ..	634
The Ayes and the Noes on Mr. Roebuck's Amendment to add to the Government Proposition relating to the renewal of the Income Tax, the words " And that the Provisions of the said Act, as far as regards the Tax on Property, be extended to Ireland"	... ..	821
The Noes on the Original Question relating to the Renewal of the Income Tax	... ..	82
The Ayes and the Noes on Viscount Howick's Amendment to Mr. T. S. Duncombe's Motion " That a Select Committee be appointed to inquire into the mode in which Letters have been detained, opened, and re-sealed, at the General or at any Provincial Post Office," &c.	... ..	1022
The Ayes and the Noes on Mr. Milner Gibson's Amendment relating to the Sugar Duties	... ..	1151
The Ayes and the Noes on Mr. Aglionby's Amendment to Clause 10 of the Railway Consolidation Bill	... ..	1156
The Ayes and the Noes on Lord J. Russell's Amendment to House going into Committee of Ways and Means—Sugar Duties		1343

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IN THE FIFTH SESSION OF THE FOURTEENTH PARLIAMENT OF THE UNITED
KINGDOM OF GREAT BRITAIN AND IRELAND.

8° VICTORIÆ 1845.

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CHARLES JAMES Bishop of LONDON.	WILLIAM Lord STOURTON.
EDWARD Bishop of DURHAM.	HENRY Lord BERNERS.
CHARLES RICHARD Bishop of WINCHESTER.	HENRY PEYTO Lord WILLOUGHBY DE BROKE.
	GEORGE Lord VAUX, of HARROWDEN.
	HENRY Lord PAGET.
	ST. ANDREW BEAUCHAMP Lord ST. JOHN of BLETSO.
	CHARLES AUGUSTUS Lord HOWARD de WALDEN

GEORGE HARRY Lord GREY of GROBY	JOHN Lord CARTERET.
WILLIAM FRANCIS HENRY Lord PETRE.	RICHARD NOEL Lord BERWICK.
WILLIAM THOMAS Lord SAYE and SELE.	JOHN Lord SHERBORNE.
HENRY BENEDICT Lord ARUNDELL of WARDOUR.	HENRY JAMES MONTAGU Lord MONTAGU.
JOHN Lord CLIFTON. (<i>Earl of Darnley.</i>)	HENRY Lord TYRONE. (<i>Marquess of Waterford.</i>)
JOSEPH THADDEUS Lord DORMER.	RICHARD Lord CARLETON. (<i>Earl of Shannon.</i>)
GEORGE HENRY Lord TEYNHAM.	EDWARD Lord SUFFIELD.
GEORGE WILLIAM Lord STAFFORD.	GUY Lord DORCHESTER.
GEORGE ANSON Lord BYRON.	GEORGE Lord KENYON.
WILLIAM Lord WARD.	RICHARD Lord BRAYBROOKE.
HUGH CHARLES Lord CLIFFORD of CHUDLEIGH.	GEORGE HAMILTON Lord FISHERWICK. (<i>Marquess of Donegal.</i>)
ALEXANDER GEORGE Lord SALTOUN. (<i>Elected for Scotland.</i>)	CHARLES Lord DOUGLAS of DOUGLAS.
CHARLES Lord SINCLAIR. (<i>Elected for Scotland.</i>)	HENRY HALL Lord GAGE. (<i>Viscount Gage.</i>)
JOHN Lord COLVILLE of CULROSS. (<i>Elected for Scotland.</i>)	EDWARD THOMAS Lord THURLOW.
ERIC Lord REAY. (<i>Elected for Scotland.</i>)	GEORGE WILLIAM Lord LYTTTELTON.
JOHN Lord ROLLO. (<i>Elected for Scotland.</i>)	HENRY Lord MENDIP. (<i>Viscount Clif- den.</i>)
HENRY FRANCIS Lord POLWARTH. (<i>Elected for Scotland.</i>)	FRANCIS Lord STUART of CASTLE STUART. (<i>Earl of Moray.</i>)
EDMUND Lord BOYLE. (<i>Earl of Cork and Orrery.</i>)	RANDOLPH Lord STEWART of GARLIES. (<i>Earl of Galloway.</i>)
THOMAS ROBERT Lord HAY. (<i>Earl of Kinnoul.</i>)	JAMES THOMAS Lord SALTERSFORD. (<i>Earl of Courtown.</i>)
DIGBY Lord MIDDLETON.	GEORGE ALAN Lord BRODRICK. (<i>Vis- count Middleton.</i>)
WILLIAM JOHN Lord MONSON.	GEORGE Lord CALTHORPE.
HENRY Lord MONTFORT.	ROBERT JOHN Lord CARRINGTON.
GEORGE WILLIAM FREDERICK Lord BRUCE.	HENRY Lord BAYNING.
JOHN WILLIAM Lord PONSONBY. (<i>Earl of Bessborough.</i>)	WILLIAM POWLETT Lord BOLTON.
GEORGE JOHN Lord SONDES.	JOHN Lord WODEHOUSE.
NATHANIEL Lord SCARSDALE.	JOHN Lord NORTHWICK.
GEORGE Lord BOSTON.	THOMAS ATHERTON Lord LILFORD.
HENRY EDWARD Lord HOLLAND.	THOMAS Lord RIBBLESDALE.
GEORGE JAMES Lord LOVEL and HOL- LAND. (<i>Earl of Egmont.</i>)	JOHN Lord FITZGIBBON. (<i>Earl of Clare.</i>)
GEORGE JOHN Lord VERNON.	EDWARD WADDING Lord DUNSANY. (<i>Elected for Ireland.</i>)
JOHN DOUGLAS EDWARD HENRY Lord SUNDRIDGE. (<i>Duke of Argyll.</i>)	CADWALLADER DAVIS Lord BLAYNEY. (<i>Elected for Ireland.</i>)
EDWARD WILLIAM Lord HAWKE.	JOHN Lord CARBERY. (<i>Elected for Ireland.</i>)
THOMAS HENRY Lord FOLEY.	HENRY Lord FARNHAM. (<i>Elected for Ireland.</i>)
GEORGE TALBOT Lord DYNEVOR.	ROBERT Lord CLONBROCK. (<i>Elected for Ireland.</i>)
THOMAS Lord WALSINGHAM.	EDWARD Lord CROFTON. (<i>Elected for Ireland.</i>)
WILLIAM Lord BAGOT.	HENRY Lord DUNALLEY. (<i>Elected for Ireland.</i>)
CHARLES Lord SOUTHAMPTON.	
FLETCHER Lord GRANTLEY.	
SPENCER Lord RODNEY.	

- HENRY FRANCIS SEYMOUR Lord MOORE. (*Marquess of Drogheda.*)
 JOHN LOFTUS Lord LOFTUS. (*Marquess of Ely.*)
 JOHN Lord CARYSFORT. (*Earl of Carysfort.*)
 WILLIAM Lord ALVANLEY.
 GEORGE RALPH Lord ABERCROMBY.
 JOHN THOMAS Lord REDESDALE.
 GEORGE Lord RIVERS.
 ARTHUR MOYSES WILLIAM Lord SANDYS.
 GEORGE AUGUSTUS FREDERICK CHARLES Lord SHEFFIELD. (*Earl of Sheffield.*)
 DAVID MONTAGU Lord ERSKINE.
 GEORGE JOHN Lord MONT EAGLE. (*Marquess of Sligo.*)
 ARCHIBALD WILLIAM Lord ARDROSSAN. (*Earl of Eglintoun.*)
 JAMES Lord LAUDERDALE. (*Earl of Lauderdale.*)
 GEORGE ARTHUR HASTINGS Lord GRANARD. (*Earl of Granard.*)
 HUNGERFORD Lord CREWE.
 ALAN LEGGE Lord GARDNER.
 JOHN THOMAS Lord MANNERS.
 JOHN ALEXANDER Lord HOPETOUN. (*Earl of Hopetoun.*)
 RICHARD Lord CASTLEMAINE. (*Elected for Ireland.*)
 JAMES ANDREW Lord DALHOUSIE. (*Earl of Dalhousie.*)
 GEORGE Lord MELDRUM. (*Marquess of Huntly.*)
 JAMES Lord ROSS. (*Earl of Glasgow.*)
 WILLIAM WILLOUGHBY Lord GRINSTEAD. (*Earl of Enniskillen.*)
 WILLIAM HENRY TENNISON Lord FOXFORD. (*Earl of Limerick.*)
 FRANCIS ALMERIC Lord CHURCHILL.
 WILLIAM Lord MELBOURNE. (*Viscount Melbourne.*)
 WILLIAM GEORGE Lord HARRIS.
 ALGERNON Lord PRUDHOE.
 CHARLES Lord COLCHESTER.
 WILLIAM SCHOMBERG ROBERT Lord KER. (*Marquess of Lothian.*)
 FRANCIS NATHANIEL Lord MINSTER. (*Marquess Conyngham.*)
 JOHN Lord ORMONDE. (*Marquess of Ormonde.*)
 FRANCIS Lord WEMYSS (*Earl of Wemyss.*)
- ROBERT Lord CLANBRASSILL. (*Earl of Roden.*)
 ROBERT Lord KINGSTON. (*Earl of Kingston.*)
 EDWARD MICHAEL Lord SILCHESTER. (*Earl of Longford.*)
 GEORGE AUGUSTUS FREDERICK JOHN Lord GLENLYON.
 WILLIAM Lord MARYBOROUGH. (*Earl of Mornington.*)
 JOHN Lord ORIEL. (*Viscount Massareene and Ferrard.*)
 THOMAS HENRY Lord RAVENSWORTH.
 THOMAS Lord DELAMERE.
 JOHN GEORGE WELD Lord FORESTER.
 JOHN JAMES Lord RAYLEIGH.
 ULYSSES Lord DOWNES. (*Elected for Ireland.*)
 NICHOLAS Lord BEXLEY.
 ROBERT FRANCIS Lord GIFFORD.
 PERCY CLINTON SYDNEY Lord PENSURST. (*Viscount Strangford.*)
 WILLIAM Lord TADCASTER. (*In another place as Marquess of Thomond.*)
 ULICK JOHN Lord SOMERHILL. (*Marquess of Clanricarde.*)
 JAMES Lord WIGAN. (*Earl of Balcarres.*)
 THOMAS Lord RANFURLY. (*Earl of Ranfurly.*)
 GEORGE Lord DE TABLEY.
 JAMES ARCHIBALD Lord WHARNCLIFFE. (*In another place as Lord President of the Council.*)
 WILLIAM Lord FEVERSHAM.
 CHARLES ROSE Lord SEAFORD.
 JOHN SINGLETON Lord LYNDBURST. (*In another place as Lord Chancellor.*)
 JAMES Lord FIFE. (*Earl of Fife.*)
 JOHN HENRY Lord TENTERDEN.
 WILLIAM CONYNGHAM Lord PLUNKET.
 THOMAS Lord MELROS. (*Earl of Hadington.*)
 HENRY Lord COWLEY
 CHARLES Lord STUART DE ROTHESAY.
 WILLIAM Lord HEYTESBURY.
 ARCHIBALD JOHN Lord ROSEBURY. (*Earl of Rosebery.*)
 RICHARD Lord CLANWILLIAM. (*Earl of Clanwilliam.*)
 EDWARD Lord SKELMERSDALE.
 WILLIAM DRAPER Lord WYNFORD.
 HENRY Lord BROUGHAM and VAUX.

WILLIAM GEORGE Lord KILMARNOCK. (<i>Earl of Erroll.</i>)	HENRY Lord LANGDALE.
ARTHUR JAMES Lord FINGALL. (<i>Earl of Fingall.</i>)	EDWARD BERKELEY Lord PORTMAN.
CHARLES WILLIAM Lord SEFTON. (<i>Earl of Sefton.</i>)	THOMAS ALEXANDER Lord LOVAT.
NATHANIEL Lord CLEMENTS. (<i>Earl of Leitrim.</i>)	WILLIAM Lord BATEMAN.
GEORGE WILLIAM FOX Lord ROSSIE. (<i>Lord Kinnaird.</i>)	FRANCIS WILLIAM Lord CHARLEMONT. (<i>In another place as Earl of Charlemont.</i>)
THOMAS Lord KENLIS. (<i>Marquess of Headfort.</i>)	FRANCIS ALEXANDER Lord KINTORE. (<i>Earl of Kintore.</i>)
JOHN CHAMBRE Lord CHAWORTH. (<i>Earl of Meath.</i>)	CORNELIUS Lord LISMORE. (<i>Viscount Lismore.</i>)
ALEXANDER EDWARD Lord DUNMORE. (<i>Earl of Dunmore.</i>)	HENRY ROBERT Lord ROSSMORE.
ROBERT MONTGOMERY Lord HAMILTON. (<i>Lord Belhaven and Stenton.</i>)	ROBERT SHAPLAND Lord CAREW.
JOHN HOBART Lord HOWDEN.	WILLIAM FRANCIS SPENCER Lord DE MAULEY.
WILLIAM Lord PANMURE.	JOHN Lord WROTTESLEY.
GEORGE WARWICK Lord POLTIMORE.	CHARLES Lord SUDELEY.
EDWARD PRYCE Lord MOSTYN.	PAUL Lord METHUEN.
HENRY SPENCER Lord TEMPLEMORE.	FREDERICK JAMES Lord BEAUVALE.
WILLIAM LEWIS Lord DINORBEN.	RICHARD WOGAN Lord FURNIVAL. (<i>Lord Talbot of Malahide.</i>)
VALENTINE BROWNE Lord CLONCURRY.	JOHN THOMAS Lord STANLEY of ALDERLEY
JAMES Lord DE SAUMAREZ.	HENRY Lord STUART DE DECIES.
FRANCIS GODOLPHIN Lord GODOLPHIN.	CHANDOS Lord LEIGH
LUCIUS Lord HUNSDON. (<i>Viscount Falkland.</i>)	PAUL BEILBY Lord WENLOCK.
EDWARD GEOFFREY Lord STANLEY. (<i>In another place as One of Her Majesty's Principal Secretaries of State.</i>)	CHARLES Lord LURGAN.
THOMAS Lord DENMAN.	NICHOLAS WILLIAM Lord COLBORNE.
ROBERT CAMPBELL Lord ABINGER.	ARTHUR Lord DE FREYNE.
PHILIP CHARLES Lord DE L'ISLE and DUDLEY.	JAMES Lord DUNFERMLINE.
ALEXANDER Lord ASHBURTON.	THOMAS Lord MONTEAGLE of BRANDON.
CHARLES Lord GLENELG.	JOHN Lord SEATON.
EDWARD JOHN Lord HATHERTON	EDWARD ARTHUR WELLINGTON Lord KEANE.
JOHN Lord STRAFFORD.	JOHN Lord CAMPBELL.
ARCHIBALD Lord WORLINGHAM. (<i>In another place as Earl of Gosford.</i>)	JOHN Lord OXENFOORD. (<i>Earl of Stair.</i>)
CHARLES CHRISTOPHER Lord COTTENHAM.	VALENTINE Lord KENMARE. (<i>Earl of Kenmare.</i>)
	GEORGE HAMILTON Lord ENNISHOWEN and CARRICKFERGUS. (<i>Marquess of Donegal.</i>) (<i>In another place as Lord Fisherwick.</i>)
	CHARLES CRESPIGNY Lord VIVIAN.
	JOHN Lord CONGLETON.
	CHARLES THEOPHILUS Lord METCALFE.

MEM.—According to the Usage of Parliament, when the House appoints a Select Committee, the Lords appointed to serve upon it are named in the Order of their Rank, beginning with the Highest; and so, when the House sends a Committee to a Conference with the Commons, the Lord highest in Rank is called first, and the rest go forth in like Order: But when the Whole House is called over for any Purpose within the House, or for the Purpose of proceeding forth to Westminster Hall, or upon any public Solemnity, the Call begins invariably with the Junior Baron.

LIST OF THE COMMONS.

LIST OF MEMBERS

RETURNED FROM THE RESPECTIVE COUNTIES, CITIES, TOWNS, AND BOROUGHES,
TO THE *FOURTEENTH PARLIAMENT* OF THE UNITED KINGDOM OF GREAT
BRITAIN AND IRELAND : AMENDED TO THE OPENING OF THE *FIFTH SESSION*,
ON THE 4TH DAY OF FEBRUARY, 1845.

ABINGDON.
Sir Frederic Thesiger, knt.
ANDOVER.
Ralph Etwall,
Hon. (William Paget) Lord
W. Paget.
ANGLESEY.
Hon. William Owen Stanley.
ARUNDEL.
Hon. Henry Granville (How-
ard) Earl of Arundel and
Surrey.
ASHBURTON.
James Matheson.
ASHTON-UNDER-LINE.
Charles Hindley.
AYLESBURY.
Charles John Baillie Ham-
ilton,
Rice Richard Clayton.
BANBURY.
Henry William Tancred.
BARNSTAPLE.
Frederick Hodgson,
Montague Gore.
BATH.
Hon. Adam (Duncan) Vis-
count Duncan,
John Arthur Robeuck.
BEAUMARIS.
Frederick Paget.
BEDFORD.
Frederick Polhill,
Henry Stuart.
BEDFORDSHIRE.
Hon. John Hume (Cust)
Viscount Alford,
William Astell.
BERKSHIRE.
Robert Palmer,
Philip Pusey,
Rt. hon. William Keppel
Viscount Barrington.

BERWICK-UPON-TWEED.
Richard Hodgson,
Matthew Forster.
BEVERLEY.
John Towneley,
James Weir Hogg.
BEWDLEY.
Sir Thomas Edward Win-
nington, bt.
BIRMINGHAM.
George Frederick Muntz,
Richard Spooner.
BLACKBURN.
William Feilden,
John Hornby.
BODMIN.
Hon. John (Townshend)
Earl of Leicester,
BOLTON-LE-MOORS.
Peter Ainsworth,
John Bowring.
BOSTON.
John Studholme Brownrigg,
Sir James Duke, knt.
BRADFORD.
John Hardy,
William Busfield.
BRECKNOCKSHIRE.
Thomas Wood.
BRECKNOCK.
Charles Morgan Robinson
Morgan.
BRIDGENORTH.
Thos. Charlton Whitmore,
Sir Robert Pigot, bt.
BRIDGEWATER.
Henry Broadwood,
Thomas Seaton Forman.
BRIDPORT.
Thomas Alexander Mitchell,
Alexander Dundas Rose
Wishart Baillie Cochrane.

BRIGHTON.
George Richard Pechell,
Hon. (Alfred Hervey) Lord
A. Hervey.
BRISTOL.
Philip William Skynner
Miles,
Hon. Francis Henry Fitz-
hardinge Berkeley.
BUCKINGHAM.
Sir John Chetwode, bt.
BUCKINGHAMSHIRE.
Caledon George Du Pré,
Charles Robert Scott Mut-
ray,
Hon. William Edward Fitz-
maurice.
BURY.
Richard Walker.
BURY ST. EDMUND'S.
Hon. Frederick William
(Hervey) Earl Jermyn,
Rt. Hon. (Charles Fitzroy)
Lord C. Fitzroy.
CALNE.
Hon. Henry (Petty Fitz-
maurice) Earl of Shel-
burne.
CAMBRIDGE.
Hon. John Henry Thomas
Manners Sutton,
Fitz Roy Kelly.
CAMBRIDGESHIRE.
Hon. Eliot Thomas Yorke,
Richard Jefferson Eaton,
John Peter Allix.
CAMBRIDGE (UNIVERSITY)
Rt. hon. Henry Goulburn,
Hon. Charles Ewan Law.

CANTERBURY. Hon. George Augustus Percy Sydney Smythe, James Bradshaw.	CLITHEROE. Edward Cardwell.	DEVONSHIRE. (Northern Division.) Sir Thomas Dyke Acland, bt., Lewis William Buck.
CARDIFF. Rt. hon. John Iltid Nicholl.	COCKERMOUTH. Henry Aglionby Aglionby, Edward Horsman.	(Southern Division.) Sir John Buller Yarde Buller, bt., Hon. William Reginald (Courtenay) Visc. Cour- tenay.
CARDIGAN. Pryse Pryse.	COLCHESTER. Richard Sanderson, Sir George Henry Smyth, bt.	DORCHESTER. Hon. Anthony Henry Ashley-Cooper, Rt. hon. Sir James Robert George Graham, bt.
CARDIGANSHIRE. William Edward Powell.	CORNWALL. (Eastern Division.) Hon. Edward Granville (Eliot) Lord Eliot, William Rashleigh.	DORSETSHIRE. Hon. Anthony (Ashley Cooper) Lord Ashley, Henry Charles Sturt, George Banks.
CARLISLE. Philip Henry Howard, William Marshall.	(Western Division.) Edward William Wynne Pendarves, Sir Charles Lemon, bt.	DOVER. Sir John Rae Reid, bt., Edward Royd Rice.
CARMARTHEN. David Morris.	COVENTRY. Rt. hon. Edward Ellice, William Williams.	DROITWICH. John Somerset Pakington.
CARMARTHENSHIRE. Hon. George Rice Rice Trevor, David Arthur Saunders Davies.	CRICKLADE. John Neeld, Hon. Henry Thomas How- ard.	DUDLEY. John Benbow.
CARNARVON. William Bulkeley Hughes.	CUMBERLAND. (Eastern Division.) Hon. Charles Wentworth George Howard, William James.	DURHAM. (Northern Division.) Hedworth Lambton, Hon. Henry Thomas Liddell.
CARNARVONSHIRE. Hon. Edward Gordon Doug- las Pennant.	(Western Division.) Samuel Irton, Edward Stanley.	(Southern Division.) Hon. (Harry Vane) Lord H. Vane, John Bowes.
CHATHAM. Rt. hon. George Stevens Byng.	DARTMOUTH. Joseph Somes.	DURHAM (CITY.) Thomas Colpitts Granger, John Bright.
CHELTENHAM. Hon. Craven Fitzhardinge Berkeley.	DENBIGH. Townshend Mainwaring.	ESSEX. (Northern Division.) Sir John Tyssen Tyrell, bt., Charles Gray Round.
CHESHIRE. (Northern Division.) William Tatton Egerton, George Cornwall Legh.	DENBIGHSHIRE. Hon. William Bagot, Sir Watkin Williams Wynn.	(Southern Division.) Thomas William Bramston, George Palmer.
(Southern Division.) Sir Philip de Malpas Grey Egerton, bt., John Tollemache.	DERBY. Edward Strutt, Hon. John George Brabazon Ponsonby.	EVESHAM. Hon. Arthur (Marcus Cecil Hill) Lord A. M. C. Hill, Peter Borthwick.
CHESTER. Rt. hon. (Robert Grosvenor) Lord R. Grosvenor, John Jervis.	DERBYSHIRE. (Northern Division.) Hon. Geo. Henry Cavendish, William Evans.	EXETER. Sir William Webb Follett, knt., Edward Divett.
CHICHESTER. Hon. (Arthur Lennox) Lord A. Lennox, John Abel Smith.	(Southern Division.) Edward Miller Mundy, Charles Robert Colville.	EYE. Sir Edward Kerrison, bt.
CHIPPENHAM. Joseph Neeld, Henry George Boldero.	DEVIZES. William Heald Ludlow Bruges, George Heneage Walker Heneage.	FINSBURY. Thos. Slingsby Duncombe, Thomas Wakley.
CHRISTCHURCH. Hon. Edward Alfred John Harris.	DEVONPORT. Henry Tufnell, Rt. hon. Sir George Grey, bt.	
CIRENCESTER. Hon. George Augustus Fre- derick (Villiers) Viscount Villiers, William Cripps.		

FLINT.
Sir Richard Bulkeley Wil-
liams Bulkeley, bt.

FLINTSHIRE.
Sir Stephen Richard Glynné,
bart.

FROME.
Thomas Sheppard.

GATESHEAD.
William Hutt.

GLAMORGANSHIRE.
Hon. Edward Richard
Wyndham (Wyndham
Quin) Viscount Adare,
Christopher Rice Mansel
Talbot.

GLOUCESTER.
John Phillpots,
Hon. Maurice Frederick
Fitzhardinge Berkeley.

GLOUCESTERSHIRE.
(*Eastern Division.*)
Sir Christopher William
Codrington, bt.,
Hon. Francis Charteris.
(*Western Division.*)
Hon. George Charles
Grantley Fitzhardinge
Berkeley,
Robert Blagden Hale.

GRANTHAM.
Glynne Earle Welby,
Hon. Frederick James
Tollemache.

GREENWICH.
James Whitley Deans
Dundas,
Edward George Barnard.

GRIMSBY (GREAT).
Edward Heneage.

GUILDFORD.
Ross Donnelly Mangles,
Charles Baring Wall.

HALIFAX.
Edward Protheroe,
Charles Wood.

HAMPSHIRE.
(*Northern Division.*)
Rt. hon. Charles Shaw Le-
fevre,
Sir William Heathcote, bt.
(*Southern Division.*)
Hon. (Charles Wellesley)
Lord C. Wellesley,
Henry Combe Compton.

HARWICH.
John Attwood,
William Beresford.

HASTINGS.
Masgrave Briscoe,
Robert Holland.

HAVERFORDWEST.
Sir Richard Bulkeley Phi-
lipps Philipps, bt.

HELSTON.
Sir Richard Rawlinson
Vyvyan, bt.

HEREFORD.
Edward Bolton Clive,
Robert Pulsford.

HEREFORDSHIRE.
Kedgwin Hoskins,
Thomas Baskerville Mynors
Baskerville,
Joseph Bailey.

HERTFORD.
Hon. Philip Henry (Stan-
hope) Viscount Mahon,
Hon. William Francis Cow-
per.

HERTFORDSHIRE.
Hon. James Walter (Grim-
ston) Viscount Grimston,
Abel Smith,
Hon. Granville Dudley
Ryder.

HONITON.
Hugh Duncan Baillie,
Forster Alleyne Mac Geachy.

HORSHAM.

HUDDERSFIELD.
William Rookes Crompton
Stansfield.

HUNTINGDON.
Thomas Baring,
Jonathan Peel.

HUNTINGDONSHIRE.
Edward Fellowes,
George Thornhill.

HYTHE.
Stewart Marjoribanks.

IPSWICH.
John Neilstone Gladstone,
Sackville Lane Fox.

KENDAL.
Henry Warburton.

KENT.
(*Eastern Division.*)
Rt. hon. Sir Edward Knatch-
bull, bt.,
John Pemberton Plumptre.

(*Western Division.*)
Sir Edmund Filmer, bt.,
Hon. Charles (Marsham)
viscount Marsham.

KIDDERMINSTER.
Richard Godson.

KING'S LYNN.
Hon. (William George Fred-
erick Cavendish Ben-
tineck) Lord W. G. F. C.
Bentineck,
Hon. Robert (Jocelyn)
Viscount Jocelyn.

KINGSTON-UPON-HULL.
Sir John Hanmer, bt.,
Sir Walter Charles James, bt.

KNARESBOROUGH.
Andrew Lawson,
William Busfield Ferrand.

LAMBETH.
Benjamin Hawes,
Rt. Hon. Charles Tennyson
D'Eyncourt.

LANCASHIRE.
(*Southern Division.*)
Rt. hon. (Francis Leveson
Egerton) Lord F. L. Eger-
ton,
William Entwisle.
(*Northern Division.*)
John Wilson Patten,
John Talbot Clifton.

LANCASTER.
Thomas Greene,
George Marton.

LAUNCESTON.
William Bowles.

LEEDS.
William Beckett,
William Aldam.

LEICESTER.
Sir John Easthope, bt.,
Wynn Ellis.

LEICESTERSHIRE.
(*Northern Division.*)
Hon. (Charles Henry So-
merset Manners) Lord
C. H. S. Manners,
Edward Basil Faranham.
(*Southern Division.*)
Henry Halford,
Charles William Packe.

LEOMINSTER.
Charles Greenaway,
George Arkwright.

LEWES.
Hon. Henry Fitzroy,
Howard Elphinstone.

i	List of	{ COMMONS }	Members.
	LICHFIELD.	MARLBOROUGH.	NORTHALLERTON.
	Hon. (Alfred Henry Paget)	Hon. (Ernest Augustus	William Battye Wrightson.
	Lord A. H. Paget,	Charles Brudenell Bruce)	NORTHAMPTON.
	Hon. Granville George (Le-	Lord E. A. C. B. Bruce,	Rt. Hon. Robert Vernon
	veson Gower) Lord Leve-	Henry Bingham Baring.	Smith,
	son.	MARLOW (GREAT).	Raikes Currie.
	LINCOLN.	Thomas Peers Williams,	NORTHAMPTONSHIRE.
	Charles De Laet Waldo	Renn Hampden.	(Northern Division.)
	Sibthorp,	MARYLEBONE.	Thomas Philip Maunsell,
	William Rickford Collett.	Sir Benjamin Hall, bt.,	Augustus Stafford O'Brien.
	LINCOLNSHIRE.	Sir Charles Napier, K.C.B.	(Southern Division.)
	(Parts of Kesteven and	MERIONETHSHIRE.	William Ralph Cartwright,
	Holland.)	Richard Richards.	Sir Charles Knightley, bt.
	Christopher Turnor,	MERTHYR TYDVIL.	NORTHUMBERLAND.
	Sir John Trollope, bt.	Sir Josiah John Guest, bt.	(Northern Division.)
	(Parts of Lindsey.)	MIDDLESEX.	Hon. Charles (Bennett) Lord
	Hon. Charles Anderson	George Byng,	Ossulston,
	Worsley (Pelham) Lord	Thomas Wood.	Addison John Baker Cress-
	Worsley,	MIDHURST.	well.
	Robert Adam Christopher.	Sir Horace Beauchamp	(Southern Division.)
	LISKEARD.	Seymour, knt.	Matthew Bell,
	Charles Buller.	MONMOUTH.	Savile Craven Henry Ogle.
	LIVERPOOL.	Reginald James Blewitt.	NORWICH.
	Hon. Dudley (Ryder) Vis-	MONMOUTHSHIRE.	Hon. Arthur Richard (Wel-
	count Sandon,	Rt. hon. (Granville Charles	lesley) Marquess of Douro,
	Sir Howard Douglas, bt.	Henry Somerset) Lord	Benjamin Smith.
	LONDON.	G. C. H. Somerset,	NOTTINGHAM.
	John Masterman,	Charles Octavius Swin-	Rt. hon. Sir John Cam
	James Pattison,	nerton Morgan.	Hobhouse, bt.,
	George Lyall,	MONTGOMERY.	Thomas Gisborne.
	Rt. hon. (John Russell)	Hon. Hugh Cholmondeley.	NOTTINGHAMSHIRE.
	Lord J. Russell.	MONTGOMERYSHIRE.	(Northern Division.)
	LUDLOW.	Rt. hon. Charles Watkin	Thomas Houldsworth,
	Beriah Botfield,	Williams Wynn.	Henry Gally Knight.
	James Ackers.	MORPETH.	(Southern Division.)
	LYME REGIS.	Hon. Edward George Gran-	Hon. Henry Pelham (Fien-
	Thomas Hussey.	ville Howard.	nes Pelham Clinton) Earl
	LYMINGTON.	NEWARK-UPON-TRENT.	of Lincoln,
	John Stewart,	Rt. hon. William Ewart	Lancelot Rolleston.
	William Alex. Mackinnon.	Gladstone,	OLDHAM.
	MACCLESFIELD.	Hon. (John Manners) Lord	John Fielden,
	John Brocklehurst,	J. Manners.	William Augustus Johnson.
	Thomas Grimsditch.	NEWCASTLE-UNDER-	OXFORD (CITY.)
	MAIDSTONE.	LYME.	James Haughton Langston,
	Alexander James Beresford	Edmund Buckley,	Donald Maclean.
	Hope,	John Campbell Colquhoun.	OXFORDSHIRE.
	George Dodd.	NEWCASTLE-UPON-TYNE.	Hon. Montague (Bertie)
	MALDON.	William Ord,	Lord Norreys,
	Quintin Dick,	John Hodgson Hinde.	George Granville Harcourt,
	John Round.	NEWPORT.	Joseph Warner Henley.
	MALMESBURY.	Charles Wykeham Martin,	OXFORD (UNIVERSITY.)
	Hon. Jas. Kenneth Howard.	William John Hamilton.	Thomas Grimston Bucknal ¹
	MALTON.	NORFOLK.	Estcourt,
	John Walbanke Childers,	(Eastern Division.)	Sir Robert Harry Inglis, bt.
	John Evelyn Denison.	Edmund Wodehouse,	PEMBROKE.
	MANCHESTER.	Henry Negus Burroughes.	Sir John Owen, bt.
	Mark Philips,	(Western Division.)	
	Thomas Milner Gibson.	William Bagge,	
		Wm. Lyde Wiggett Chute.	

PEMBROKESHIRE.
 Hon. John Frederick Vaughan (Campbell) Viscount Emlyn.
 PENRYN and FALMOUTH.
 Hon. John Cranch Walker Vivian,
 James Hanway Plumridge.
 PETERBOROUGH.
 Hon. George Wentworth Fitzwilliam,
 Sir Robert Heron, bt.
 PETERSFIELD.
 Sir William George Hylton Jolliffe, bt.
 PLYMOUTH.
 Thomas Gill,
 Hon. Hugh (Fortescue) Viscount Ebrington.
 PONTEFRAC.T.
 Hon. John Charles George (Saville) Visc. Pollington,
 Richard Monckton Milnes.
 POOLE.
 Hon. Chas. Fred. Ashley Cooper Ponsonby,
 George Richard Philips.
 PORTSMOUTH.
 Rt. Hon. Francis Thornhill Baring,
 Sir George Thomas Staunton, bt.
 PRESTON.
 Sir Peter Hesketh Fleetwood, bt.,
 Sir George Strickland, bt.
 RADNOR (NEW).
 Richard Price.
 RADNORSHIRE.
 Sir John Benn Walsh, bt.
 READING.
 Charles Russell,
 Hon. Henry Charles (Cado-gan) Viscount Chelsea.
 REIGATE.
 Hon. C. Somers (Somers-Cocks) Viscount Eastnor.
 RETFORD (EAST).
 Hon. Arthur Duncombe,
 Granville Harcourt Vernon.
 RICHMOND.
 Hon. John Charles Dundas,
 Hon. William Nicholas Ridley Colborne.
 RIPON.
 Rt. hon. Thos. Berry Cusack Smith,
 Rt. hon. Sir George Cockburn, G.C.B.

ROCHDALE.
 William Sharman Crawford.
 ROCHESTER.
 James Douglas Stoddart Douglas,
 William Henry Bodkin.
 RUTLANDSHIRE.
 Gilbert John Heathcote,
 Hon. William Henry Dawnay.
 RYE.
 Herbert Barrett Curteis.
 ST. ALBAN'S.
 George William John Rep-ton,
 Rt. Hon. William Earl of Listowel.
 ST. IVES.
 William Tyningham Praed.
 SALFORD.
 Joseph Brotherton.
 SALISBURY.
 Ambrose Hussey,
 John Henry Campbell.
 SALOP, or SHROPSHIRE.
 (Northern Division.)
 Hon. Edward (Clive) Viscount Clive,
 William Ormsby Gore.
 (Southern Division.)
 Hon. Robert Henry Clive,
 Hon. Orlando George Chas. (Bridgeman) Viscount Newport.
 SANDWICH.
 Sir Edward Thomas Troubridge, bt.,
 Hugh Hamilton Lindsay.
 SCARBOROUGH.
 Sir John Vanden Bempde Johnstone, bt.,
 Sir Frederick William Trench, knt.
 SHAFTESBURY.
 Hon. Henry (Howard) Lord Howard.
 SHEFFIELD.
 John Parker,
 Henry George Ward.
 SHIELDS (SOUTH).
 John Twizell Wawn.
 SHOREHAM (NEW).
 Sir Chas. Merrik Burrell, bt.,
 Charles Goring.
 SHREWSBURY.
 George Tomline,
 Benjamin Disraeli.

SOMERSETSHIRE.
 (Eastern Division.)
 William Gore Langton,
 William Miles.
 (Western Division.)
 Thomas Dyke Acland,
 Francis Henry Dickinson.
 SOUTHAMPTON.
 Humphrey St. John Mildmay,
 George William Hope.
 SOUTHWARK.
 John Humphery,
 Benjamin Wood.
 STAFFORD.
 Hon. Swinfen Thomas Carnegie,
 Edward Buller.
 STAFFORDSHIRE.
 (Northern Division.)
 Jesse David Watts Russell,
 Charles Bowyer Adderley.
 (Southern Division.)
 Hn. Henry John (Chetwynd Talbot) Visc. Ingestrie,
 Hon. George Anson.
 STAMFORD.
 Hon. Charles Cecil John (Manners) Marquess of Granby,
 STOCKPORT.
 Henry Marsland,
 Richard Cobden.
 STOKE-UPON-TRENT.
 John Lewis Ricardo,
 William Taylor Copeland.
 STROUD.
 William Henry Stanton,
 George Poulett Scrope.
 SUDBURY.
 (Disfranchised 7 & 8 VICT. c. 53.)
 SUFFOLK.
 (Eastern Division.)
 Rt. hon. John Henniker Lord Henniker,
 Rt. hon. Frederick Thellusson Lord Rendlesham.
 (Western Division.)
 Robert Rushbrooke,
 Harry Spencer Waddington.
 SUNDERLAND.
 David Barclay,
 Rt. hon. Henry (Grey) Viscount Howick.

SURREY.
(*Eastern Division.*)
Henry Kemble,
Edmund Antrobus.
(*Western Division.*)
William Joseph Denison,
John Trotter.
SUSSEX.
(*Eastern Division.*)
George Darby,
Augustus Elliott Fuller.
(*Western Division.*)
Hon. Charles Henry (Gordon
Lennox) Earl of March,
Charles Wyndham.
SWANSEA.
John Henry Vivian.
TAMWORTH.
Rt. hon. Sir Robert Peel, bt.,
Edward Henry A'Court.
TAUNTON.
Rt. hon. Henry Labouchere,
Sir Thomas Edward Cole-
brooke, bt.
TAVISTOCK.
John Salusbury Trelawny,
Hon. (Edward Russell)
Lord E. Russell.
TEWKESBURY.
William Dowdeswell,
John Martin.
THETFORD.
Hon. William Bingham
Baring,
Sir James Flower, bt.
THIRSK.
John Bell.
TIVERTON.
John Heathcoat,
Rt. hon. Henry John
Viscount Palmerston.
TOTNESS.
Hon. Edward Adolphus
(Seymour) Lord Seymour,
Charles Barry Baldwin.
TOWER HAMLETS.
Sir William Clay, bt.,
Charles Richard Fox.
TRURO.
John Ennis Vivian,
Edmund Turner.
TYNEMOUTH.
Henry Mitcalfe.
WAKEFIELD.
Hon. William Sebright Las-
celles.
WALLINGFORD.
William Seymour Black-
stone.

WALSALL.
Robert Scott.
WAREHAM.
John Samuel Wanley Saw-
bridge Erle Drax.
WARRINGTON.
John Ireland Blackburn.
WARWICK.
Sir Chas. Eurwicke Doug-
las, knt.,
William Collins.
WARWICKSHIRE.
(*Northern Division.*)
William Stratford Dugdale,
Charles Newdegate Newde-
gate.
(*Southern Division.*)
Sir John Mordaunt, bt.,
Evelyn John Shirley.
WELLS.
William Goodenough Hay-
ter,
Richard Blakemore.
WENLOCK.
Hon. George Cecil Weld
Forester,
James Milnes Gaskell.
WESTBURY.
Sir Ralph Lopes, bt.
WESTMINSTER.
John Temple Leader,
Hon. Henry John Rous.
WESTMORELAND.
William Thompson,
Hon. Henry Cecil Lowther.
WEYMOUTH and MEL-
COMBE REGIS.
Ralph Bernal,
William Dougal Christie.
WHITBY.
Aaron Chapman.
WHITEHAVEN.
Matthias Attwood.
WIGAN.
Peter Greenall,
Charles Standish.
WIGHT (ISLE OF).
Hon. William Henry Ashe
A'Court Holmes.
WILTON.
Hon. James Charles Her-
bert Welbore Ellis (Agar)
Viscount Somerton.
WILTSHIRE.
(*Northern Division.*)
Thomas Henry Sutton So-
theron,
Walter Long.

(*Southern Division.*)
John Benett,
WINCHESTER.
James Buller East,
Bickham Escott.
WINDSOR.
John Ramsbottom,
Ralph Neville.
WOODSTOCK.
Hon. John Winston (Spencer
Churchill) Marquess
of Blandford.
WOLVERHAMPTON.
Hon. Charles Pelham Vil-
liers,
Thomas Thornely.
WORCESTER.
Sir Thomas Wilde, knt.,
Joseph Bailey.
WORCESTERSHIRE.
(*Eastern Division.*)
John Barneby,
James Arthur Taylor.
(*Western Division.*)
Hon. Henry Beauchamp
Lygon,
Frederick Winn Knight.
WYCOMBE (CHIPPING).
George Henry Dashwood,
Ralph Osborne.
YARMOUTH (GREAT).
Charles Edward Rumbold,
William Wilshe.
YORK.
John Henry Lowther,
Henry Galgacus Redhead
Yorke.
YORKSHIRE.
(*East Riding.*)
Henry Broadley,
Right hon. Beaumont Lord
Hotham.
(*West Riding.*)
Hon. John Stuart Wortley,
Edmund Beckett Denison.
(*North Riding.*)
Hon. Octavius Duncombe,
Edward Stillingfleet Cay-
ley.

SCOTLAND.

ABERDEEN.
Alexander Bannerman.
ABERDEENSHIRE.
Hon. William Gordon.

ARGYLESIRE.
Duncan McNeil.
AYR, &c.
Hon. (Patrick James Herbert
Crichton Stuart) Lord
P. J. H. C. Stuart.
AYRSIRE.
Alexander Oswald.
BANFFSHIRE.
James Duff.
BERWICKSHIRE.
Sir Hugh Purvis Hume
Campbell, bt.
BUTESIRE.
Hon. James Stuart Wortley.
CAITHNESS-SHIRE.
George Trail.
CLACKMANNAN AND
KINROSSHIRES.
William Morrison.
DUMBARTONSHIRE.
Alexander Smollet.
DUMFRIES, &c.
William Ewart.
DUMFRIES-SHIRE.
John James Hope John-
stone.
DUNDEE.
George Duncan.
DYSART, &c.
Robert Ferguson.
EDINBURGH.
Rt. hon. Thomas Babing-
ton Macaulay,
William Gibson Craig.
EDINBURGHSHIRE.
William Ramsay Ramsay.
ELGIN, &c.
Sir Andrew Leith Hay, knt.
ELGINSHIRE and NAIRNE.
Charles Lennox Cumming
Bruce.
FIFESHIRE.
James Erskine Wemyss.
FORFARSHIRE.
Hon. (John Frederick Gor-
don) Lord J. F. Gordon.
GLASGOW.
James Oswald,
John Dennistoun.
GREENOCK.
Robert Wallace.
HADDINGTON, &c.
James Maitland Balfour.
HADDINGTONSHIRE.
Sir Thomas Buchan Hep-
burn, bt.

INVERKEITHING, &c.
Hon. Archibald (Primrose)
Lord Dalmeny.
INVERNESS, &c.
James Morrison.
INVERNESS-SHIRE.
Henry James Baillie.
KILMARNOCK, &c.
Hon. Edward Pleydell
Bouverie.
KINCARDINESHIRE.
Hon. Hugh Arbuthnott.
KIRKCUDBRIGHT.
Alexander Murray.
KIRKWALL, &c.
James Loch.
LANARKSHIRE.
William Lockhart.
LEITH, &c.
Rt. hon. Andrew Ruther-
furd.
LINLITHGOW, &c.
William Baird.
LINLITHGOWSHIRE.
Hon. Charles Hope.
MONTROSE, INVERBER-
VIE, &c.
Joseph Hume.
ORKNEY and SHETLAND
SHIRES.
Frederick Dundas.
PAISLEY.
Archibald Hastie.
PEEBLES-SHIRE.
William Forbes Mackenzie.
PERTH.
Rt. hon. Fox Maule.
PERTHSHIRE.
Henry Home Drummond.
RENFREWSHIRE.
Patrick Maxwell Stewart.
ROSS and CROMARTY-
SHIRES.
Thomas Mackenzie.
ROXBURGHSHIRE.
Hon. Francis Scott.
ST. ANDREW'S, CUPAR, &c.
Edward Ellice.
SELKIRKSHIRE.
Alexander Pringle.
STIRLINGSHIRE.
William Forbes.
SUTHERLANDSHIRE.
David Dundas.
WIGTON, &c.
Sir John M'Taggart, bt.
WIGTONSHIRE.
John Dalrymple.

IRELAND.

ANTRIM.
John Irving,
Nathaniel Alexander.
ARMAGH.
Hon. Archibald (Acheson)
Viscount Acheson,
William Verner.
ARMAGH (CITY.)
John Dawson Rawdon.
ATHLONE.
John Collett.
BANDON-BRIDGE.
Hon. Frances (Bernard) Vis-
count Bernard.
BELFAST.
James Emerson Tennent,
David Robert Ross.
CARLOW.
Henry Bruen,
Thomas Bunbury.
CARLOW (BOROUGH.)
Brownlow Villiers Layard.
CARRICKFERGUS.
Peter Kirk.
CASHELL.
Joseph Stock.
CAVAN.
John Young.
CLARE.
William Nugent M'Na-
mara,
Cornelius O'Brien.
CLONMEL.
Rt. hon. David Richard
Pigot.
COLERAINE.
John Boyd.
CORK.
Daniell O'Connell,
Edmund Burke Roche.
CORK (CITY.)
Francis Slack Murphy,
Daniel Callaghan.
DONEGAL.
Sir Edmund Samuel Hayes,
bt.,
Edward Michael Conolly.
DOWN.
Rt. hon. Frederick William
Robert (Stewart) Vis-
count Castlereagh,
Hon. Arthur Wills Blundell
Sandys Trumbull Wind-
sor (Hill) Earl of Hills-
borough.

DOWNPATRICK.
David Stewart Kerr.
DROGHEDA.
Sir William Meredith Somerville, bt.
DUBLIN.
James Hans Hamilton,
Thomas Edward Taylor.
DUBLIN (CITY.)
Edward Grogan,
William Henry Gregory.
DUBLIN (UNIVERSITY.)
Rt. hon. Frederick Shaw,
George Alex. Hamilton.
DUNDALK.
Thos. Nicholas Redington.
DUNGANNON.
Hon. Thomas (Knox) Viscount Northland.
DUNGARVON.
Rt. hon. Richard Lalor Sheil.
ENNIS.
Hewitt Bridgeman.
ENNISKILLEN.
Hon. Henry Arthur Cole.
FERMANAGH.
Sir Arthur Brinsley Brooke, bt.,
Mervyn Archdall.
GALWAY.
John James Bodkin,
Thomas Barnewell Martin.
GALWAY (BOROUGH).
Martin Joseph Blake,
Sir Valentine Blake, bt.
KERRY.
Hon. William Browne,
Morgan John O'Connell,
KILDARE.
Richard More O'Ferrall,
Robert Archbold.
KILKENNY.
Hon. Pierse Somerset Butler,
KILKENNY (BOROUGH).
John O'Connell.

KING'S (COUNTY).
Hon. John Craven Westenra,
Sir Andrew Armstrong, bt.
KINSALE.
William Henry Watson.
LEITRIM.
Hon. William Sydney (Clements) Viscount Clements,
Samuel White.
LIMERICK.
William Smith O'Brien,
Caleb Powell.
LIMERICK (CITY).
John O'Brien.
LISBURN.
Henry Meynell.
LONDONDERRY.
Thomas Bateson,
Theobald Jones.
LONDONDERRY (CITY.)
Sir Robert Alexander Ferguson, bt.
LONGFORD.
Anthony Lefroy,
Henry White.
LOUTH.
Rich. Montesquieu Bellew,
Hon. Thomas Vesey Dawson.
MALLOW.
Sir Chas. Denham Orlando Jephson Norreys, bt.
MAYO.
Robert Dillon Browne,
Mark Blake.
MEATH.
Matthew Elias Corbally,
Henry Grattan.
MONAGHAN.
Evelyn Philip Shirley,
Charles Powell Leslie.
NEWRY.
Hon. Francis Jack (Needham) Viscount Newry and Morne.

PORTARLINGTON.
Rt. hon. George Lionel Dawson Damer.
QUEEN'S (COUNTY).
Sir Chas. Henry Coote, bt.,
Hon. Thomas Vesey.
ROSS (NEW).
Hon. Robert Gore.
ROSSCOMMON.
Fitzstephen French,
Denis O'Connor, (The O'Connor Don).
SLIGO.
John Ffolliott,
William Richard Ormsby Gore.
SLIGO (BOROUGH).
John Patrick Somers.
TIPPERARY.
Nicholas Maher.
TRALEE.
Maurice O'Connell.
TYRONE.
Right hon. Henry Thomas Lowry Corry,
Hon. (Claud Hamilton) Lord C. Hamilton.
WATERFORD.
William Villiers Stuart,
Hon. Robt. Shapland Carew.
WATERFORD (CITY).
Sir Henry Winston Barron, bt.,
Thomas Wyse.
WESTMEATH.
Hugh Morgan Tuite,
Benjamin James Chapman.
WEXFORD.
Villiers Francis Hatton,
James Power.
WEXFORD (BOROUGH).
Sir Thomas Esmonde, bt.
WICKLOW.
William Acton,
Sir Ralph Howard, bt.
YOUGHALL.
Hon. Charles Compton Cavendish.

HANSARD'S PARLIAMENTARY DEBATES,

IN THE *FIFTH SESSION* OF THE *FOURTEENTH PARLIAMENT* OF THE UNITED KINGDOM OF *GREAT BRITAIN* AND *IRELAND*, APPOINTED TO MEET 11 NOVEMBER, 1841, AND FROM THENCE CONTINUED TILL 4 FEBRUARY, 1845, IN THE EIGHTH YEAR OF THE REIGN OF

HER MAJESTY QUEEN VICTORIA.

FIRST VOLUME OF THE SESSION.

HOUSE OF LORDS,

Tuesday, February 4, 1845.

MINUTES.] *Sat first.*—Earl of Ellenborough; Earl Nelson.
BILLS. *Public.*—1^a. Select Vestries.

MEETING OF PARLIAMENT.] The Parliament which had been prorogued successively from the 5th September, to the 10th October, the 12th December, the 4th February, met this day for dispatch of business. The Session was opened by Her Majesty in Person, with the following most Gracious Speech:—

“My Lords, and Gentlemen,

“I rejoice that I am enabled, on again meeting you in Parliament, to congratulate you on the improved Condition of the Country.

“Increased Activity pervades almost every Branch of Manufacture; Trade and Commerce have been extended at home and abroad; and

VOL. LXXVII. { Third Series }

among all Classes of My People there is generally prevalent a Spirit of Loyalty and cheerful Obedience to the Law.

“I continue to receive from all Foreign Powers and States Assurances of their friendly Disposition.

“I have had much Satisfaction in receiving at My Court the Sovereigns who in the course of last Year visited this Country.

“The Journey of the Emperor of *Russia*, undertaken at a great Sacrifice of private Convenience, was a Proof of the Friendship of His Imperial Majesty most acceptable to My Feelings.

“The Opportunity of personal Inter-
course thus afforded to Me may, I hope, be the Means of still further

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improving those amicable Relations which have long existed between *Great Britain* and *Russia*.

“The Visit of the King of the *French* was rendered especially welcome to Me, inasmuch as it had been preceded by Discussions which might have impaired the good Understanding happily established between the Two Countries.

“I regard the Maintenance of this good Understanding as essential to the best Interests of both; and I rejoiced to witness that the Sentiments so cordially expressed by all Classes of My Subjects on the Occasion of His Majesty’s Visit were entirely in unison with My own.

“*Gentlemen of the House of Commons,*

“The Estimates for the ensuing Year have been prepared, and will forthwith be laid before you.

“The Progress of Steam Navigation, and the Demands for Protection to the extended Commerce of the Country, will occasion an Increase in the Estimates connected with the Naval Service.

“*My Lords and Gentlemen,*

“I have observed, with sincere Satisfaction, that the Improvement which is manifest in other Parts of the Country has extended to *Ireland*.

“The Political Agitation and Excitement which I have had heretofore Occasion to lament appear to have gradually abated, and, as a natural Result, private Capital has been more freely applied to useful public Enterprises, undertaken through the friendly Co-operation of Individuals interested in the Welfare of *Ireland*.

“I have carried into effect, in the

Spirit in which it was conceived, the Act for the more effectual Application of Charitable Donations and Bequests.

“I recommend to your favourable Consideration the Policy of improving and extending the Opportunities for Academical Education in *Ireland*.

“The Report of the Commission appointed to inquire into the Law and Practice in respect to the Occupation of Land is nearly prepared, and shall be communicated to you immediately after its Presentation.

“The State of the Law in regard to the Privileges of the Bank of *Ireland*, and to other Banking Establishments in that Country, and in *Scotland*, will no doubt occupy your Attention.

“The Health of the Inhabitants of large Towns and populous Districts in this Part of the United Kingdom has been the Subject of recent Inquiry before a Commission, the Report of which shall be immediately laid before you.

“It will be highly gratifying to Me if the Information and Suggestions contained in that Report shall enable you to devise the Means of promoting the Health and Comfort of the poorer Classes of My Subjects.

“I congratulate you on the Success of the Measures which Three Years since were adopted by Parliament for the Purpose of supplying the Deficiency in the Public Revenue, and arresting the Accumulation of Debt in the Time of Peace.

“The Act which was passed at that Time for imposing a Tax upon Income will shortly expire.

“It will be for you, in your Wisdom, to determine whether it may not be expedient to continue its Ope-

ration for a further Period, and thus to obtain the Means of adequately providing for the Public Service, and at the same Time of making a Reduction in other Taxation.

“Whatever may be the Result of your Deliberations in this respect, I feel assured that it will be your Determination to maintain an Amount of Revenue amply sufficient to meet the necessary Expenditure of the Country, and firmly to uphold that Public Credit which is indispensable to the National Welfare.

“The Prospect of continued Peace, and the general State of Domestic Prosperity and Tranquillity, afford a favourable Opportunity for the Consideration of the important Matters to which I have directed your Attention; and I commit them to your Deliberation, with the earnest Prayer that you may be enabled, under the superintending Care and Protection of Divine Providence, to strengthen the Feelings of mutual Confidence and Good Will between different Classes of My Subjects, and to improve the Condition of My People.”

Her Majesty then retired, and the House adjourned during Pleasure: having resumed,

ADDRESS IN ANSWER TO THE SPEECH.]
The Marquess Camden rose and said: My Lords, in rising to move that your Lordships should agree that an Humble Address be presented to Her Majesty, in answer to Her most Gracious Speech, which we have this day heard from the Throne, I feel that I must commence by asking you to give me that kind attention and indulgence, which during the few years that I have had the honour of sitting in this House, I have uniformly seen bestowed upon those who, like myself, had never before addressed your Lordships. But, my Lords, I feel the difficulty of my present position considerably lightened by the reflection that it is my lot to address you upon an occasion when,

without any exaggerated statements of national prosperity, or on any unascertained grounds, your Lordships may safely concur in expressing your gratification at the state of the country in its domestic condition and foreign relations, as they have been represented in Her Majesty's Speech. My Lords, I believe there is no doubt that in every branch of the manufactures and trade of this country there is an increasing activity. I believe that the home trade of this country is increasing in activity in almost every branch, and that the commerce of the country which is carried through almost every part of the civilised globe, and to which new channels have been recently opened, is largely and rapidly extending. My Lords, I trust that we may hope that as the improvement which has been for some time going on in the manufactures of the country, has been gradual and steady, so it will be permanent, and will continue to increase. My Lords, I think you may also cordially join in the congratulations expressed in Her Majesty's Speech, when She says that amongst all classes of the people there prevails a spirit of loyalty and cheerful obedience to the law.—Your Lordships are aware that this spirit of loyalty and firm attachment to the Throne has been manifested on various occasions, and that whenever Her Majesty has appeared before Her people, there has been the greatest manifestation of loyalty and attachment to Her Majesty's Person; and I may perhaps refer more particularly to the period when Her Majesty proceeded, amidst the congregated masses of this great city, to open that Exchange from whence springs all the commerce of the land. My Lords, the next topic in Her Majesty's Speech is the satisfaction which She has felt from the visits of those Sovereigns whom She received at Her Court in the course of the last year. My Lords, I think we can most cordially concur with Her Majesty in the gratification which She expresses at the visit which the Emperor of Russia paid to Her Majesty last year. I think, my Lords, that that visit, paid, as Her Majesty has informed us it was, at a great sacrifice of personal and private convenience, and at a time when private afflictions weighed heavily upon him, must have convinced your Lordships of the anxiety of the Emperor to manifest his feelings of amity towards this country, and to pay a tribute of respect to Her Majesty. My Lords, I believe the alliance with this country and Russia is of the most ancient date;

it is one of the earliest which that Power contracted after its formation into an Empire; and I am sure that nothing can more tend to contribute to the permanence of this alliance, and, as Her Majesty has stated in Her Speech, the future extension of it, than the visit of the Emperor to Her Majesty, and the maintenance of a friendly intercourse between the two Sovereigns. Her Majesty's Speech also alludes to the visits of other Sovereigns, from which Her Majesty derives great satisfaction, and which must be also gratifying to the country. And first, let me refer to the visit of the King of Saxony, an event which, connected as he is with Her Majesty's illustrious Consort, cannot be looked upon but as one of great importance. I believe, my Lords, that the more this country is visited by Foreign Sovereigns, the more its resources are known, and the happiness of its people is witnessed, the greater will be its influence. I believe that, as in private life, so amongst those in the most exalted station, the frequency of intercourse will lead to more lasting and more intimate advantages. My Lords, it will be in the recollection of your Lordships, that in Her Speech at the termination of the last Session of Parliament, Her Majesty expressed Her gratification at being enabled to state to this House and the country that the negotiations between this country and France had been brought to a satisfactory conclusion. That communication of Her Majesty was very speedily followed by the visit of His Majesty the King of the French; and I am sure your Lordships will feel great gratification that His Majesty was received in this country by the people in the most cordial manner. When we consider the various parts of the world in which the co-operation of France with this country is necessary for the maintenance of peace; when we consider how likely is the maintenance of peace to extend the commerce of this country, and that intercourse which, from the facility of communication with France, must naturally follow the alliance between these two countries, His Majesty's late visit must be looked upon with peculiar gratification. I am sure, my Lords, that the reception which the King of the French met with from the people of this country must have convinced him that they are fully sensible of the talent, eminent perseverance, and zeal, which he at all times has evinced in preserving that peace and amity which are so essential to the interests of both countries; while the spirit of con-

ciliation and justice by which the Government of either country has been actuated will be an additional guarantee that the resources and powers of the two kingdoms will be made the means of their mutual preservation and security. The next topic of Her Majesty's Speech relates to a subject which comes more immediately under the discussion of the other House of Parliament; but I think your Lordships will concur in expressing an anxious hope that the country will not object to any necessary expenditure for the extension of our steam navigation, when it is considered how much depends upon the efficiency of that species of navigation in protecting the trade and commerce of this Empire. My Lords, the next point in Her Majesty's Speech is, that Her Majesty "had observed with great satisfaction that the improvement which is manifested in the other parts of the country has extended to Ireland." My Lords, so long as political agitation continues in that country, there must necessarily be alarm in the minds of those who have capital to invest, and they are therefore unwilling to embark their money in speculations in that part of the United Kingdom. But, my Lords, I think we may now hail the return of tranquillity in that country; and the best proof that it is returning is to be found in the different projects of enterprise which have been brought forward, not by the Government, but by private individuals. I refer to the railways and other large works now in progress in Ireland, which by increasing the means of employment for the Irish people, and convincing them that their interests will be best promoted by an intimate union between the two countries, rather than by separation, will necessarily tend to maintain and uphold their loyalty, and form a guarantee for the continuance of good order and tranquillity. And, my Lords, while on the subject of Ireland, I am sure you will join me in cordially thanking Her Majesty for having communicated to us the fact, that she has carried into effect, in the spirit in which it was conceived, the Act for the more effectual Application of Charitable Donations and Bequests; and that you will concur in assuring Her Majesty that whenever the details of the measure shall be laid before you, you will give your most anxious and favourable consideration to the policy of improving and extending the opportunities for Academical Education in Ireland. Her Majesty, in the next place, my Lords, refers to the Report of

the Commission appointed some time ago to inquire into the Law and Practice in respect to the Occupation of Land in Ireland, which we are informed is nearly prepared and will shortly be laid before your Lordships; and, my Lords, I have no doubt that, by the talent and attention which have been bestowed upon that inquiry by the noble Earl who is the Chairman of the Commission and his Colleagues, much valuable information will be afforded to you on the subject. My Lords, the next topic which is embraced in Her Majesty's Speech is one more immediately for the consideration of the other House of Parliament, inasmuch as it relates to matters connected with monetary affairs; viz., "the state of the Law in regard to the Privileges of the Bank of Ireland, and to other Banking Establishments in that country and in Scotland;" and though this is not the time nor place, neither is it my province, to enter into the details of those measures which will be submitted to Parliament upon this subject, I am sure your Lordships will be glad of this opportunity of assuring Her Majesty that you are prepared to give your most anxious consideration to all matters relating to those Institutions, connected as they are with the great measure which was passed last Session for the regulation of the monetary affairs of this country. My Lords, there is another subject to which Her Majesty refers, upon which your Lordships will be anxious to assure Her Majesty of your most serious care and deliberation. The subject I allude to is connected with the Commission which has been appointed to inquire into the Health of the Metropolis and other large towns, the Report of which is to be immediately laid before Parliament. The subject has already been brought before your Lordships in former Sessions by various noble Lords, and has engaged much of your attention, and I am sure you will rejoice if you can find it practicable to devise measures which may tend to ameliorate the miserable destitution, disease, and suffering which unfortunately exist but too extensively in this metropolis, and, in a greater or less degree, in every large town in the Kingdom. If such measures should be devised, I am sure your Lordships will not hesitate to adopt them. My Lords, it will be in your Lordships' recollection that, three years ago, an Act was passed authorising Her Majesty to raise a tax upon Property and Income, in order to enable Her to meet the excess of

the expenditure of the country over its income, to pay off certain debts which had been in consequence incurred, and, by making a more equitable distribution of the public burdens, affording Her the means of remitting several taxes that pressed severely on the industry of the country. My Lords, that measure, as Her Majesty informs us, has been perfectly successful; but as that Act expires in the present year, Her Majesty recommends this subject for your early consideration—wishing Parliament to consider whether it would not be more expedient to continue that tax for a longer period, and so extend its advantages by removing other taxes which still press on the manufactures and trade of the country. But, my Lords, whatever Parliament may determine in this respect, it is gratifying to know that we may safely rely upon the public faith being maintained inviolate. My Lords, the prospect of continued peace, not confined alone to the country, but extending over all our relations with Foreign Powers, and the general state of domestic prosperity and tranquillity, will afford Parliament ample time and opportunity to consider the various important topics to which Her Majesty's Speech refers. That your Lordships' best consideration will be paid to those topics, there can be no doubt; and I trust the result will be, that, under the superintending care and protection of Divine Providence, you will be enabled to accomplish that which is the nearest wish of Her Majesty's heart, viz., strengthen the feelings of mutual confidence and goodwill between different classes of Her subjects, and improve the condition of Her people. Before I conclude by reading to your Lordships the humble Address to Her Majesty, allow me to express to your Lordships my warmest thanks for the manner in which you have listened to me, and to express my hope that if by any unguarded word I should unintentionally have given rise to any question which may in the slightest degree disturb the unanimity with which it is my anxious hope this Address should be carried up to Her Majesty, I trust your Lordships will attribute it to my inexperience, and not to those subjects it has been my duty to lay before you. The noble Lord concluded by reading the following Address:—

MOST GRACIOUS SOVEREIGN,

We, Your Majesty's most dutiful and loyal Subjects, the Lords Spiritual and Temporal,

in Parliament assembled, beg leave to approach Your Majesty to return to Your Majesty our humble Thanks for the Gracious Speech which Your Majesty has delivered to both Houses of Parliament.

We participate most sincerely in Your Majesty's Joy (on the improved Condition of the Country) that increased Activity pervades every Branch of Manufacture; that Trade and Commerce have been extended at home and abroad; and that among all Classes of Your Majesty's People there is generally prevalent a Spirit of Loyalty and cheerful Obedience to the Law.

We rejoice to learn that Your Majesty continues to receive from all Foreign Powers and States Assurances of their friendly Disposition.

We beg to express our Gratification that Your Majesty has had the Satisfaction of receiving at Your Court the Sovereigns who in the course of the last Year visited this Country.

We concur with Your Majesty in considering that the Journey of the Emperor of *Russia*, undertaken at a great Sacrifice of private Convenience, was a Proof of the Friendship of His Imperial Majesty, which must have been most acceptable to Your Majesty's Feelings.

We humbly, with Your Majesty, beg leave to express our Hope that the Opportunity thus afforded to Your Majesty may be the Means of still further improving those amicable Relations which have long existed between *Russia* and *Great Britain*.

We cordially concur in the Feelings which Your Majesty has been pleased to express in respect to the Visit of the King of the *French*, which was rendered especially welcome, inasmuch as it had been preceded by Discussions which might have impaired the good Understanding happily established between the Two Countries.

In common with Your Majesty we regard the Maintenance of this good Understanding as essential to the best Interests of both; and we rejoice in the Reflection that the Sentiments so cordially expressed by all Classes of Your Majesty's Subjects on the Occasion of His Majesty's Visit were entirely in unison with those of Your Majesty.

We humbly beg to thank Your Majesty for informing us that Your Majesty has ob-

served, with sincere satisfaction, that the Improvement which is manifest in other Parts of the Country has extended to *Ireland*.

We rejoice to learn that the Political Agitation and Excitement which Your Majesty has had heretofore Occasion to lament appear to have gradually abated, and, as a natural Result, private Capital has been more freely applied to useful public Enterprizes, undertaken through the friendly Co-operation of Individuals interested in the Welfare of *Ireland*.

We thank Your Majesty for informing us that You have carried into effect, in the Spirit in which it was conceived, the Act for the more effectual Application of Charitable Donations and Bequests.

In obedience to Your Majesty's Commands we will take into our Consideration the Policy of improving and extending the Opportunities for Academical Education in *Ireland*.

We beg leave to thank Your Majesty for informing us that the Report of the Commission appointed to inquire into the Law and Practice in respect to the Occupation of Land is nearly prepared, and that immediately after its Presentation it shall be laid before us.

We assure Your Majesty that We will give our best Attention to the State of the Law in regard to the Privileges of the Bank of *Ireland*, and to other Banking Establishments in that Country, and in *Scotland*.

We thank Your Majesty for informing us that the Report of the Commission for inquiring into the Health of the Inhabitants of large Towns and populous Districts in this Part of the United Kingdom shall be laid before us, and we cordially trust that the Information and Suggestions contained therein will enable us to devise the Means of promoting the Health and Comfort of the poorer Classes of Your Majesty's Subjects.

We beg Leave to express our Thanks to Your Majesty for congratulating us on the Success of the Measures which Three Years since were adopted by Parliament for the Purpose of supplying the Deficiency in the Public Revenue, and arresting the Accumulation of Debt in the Time of Peace; and for directing our Attention to the Circumstance that the Act which was passed at that Time for imposing a Tax upon Income will shortly expire; and we assure Your Majesty that we will give our best Consideration to determine whether it

may not be expedient to continue its Operation for a further Period, and thus to obtain the Means of adequately providing for the Public Service, and at the same Time of making a Reduction in other Taxation.

Your Majesty may rest assured that it will be our Determination to maintain an Amount of Revenue amply sufficient to meet the Expenditure of the Country, and firmly to uphold that Public Credit which is indispensable to the National Welfare.

We shall be prepared to take into our Consideration the important Matters to which Your Majesty has directed our Attention, for which the Prospect of continued Peace, and the general State of Domestic Prosperity and Tranquillity, afford so favourable an Opportunity; and we join in Your Majesty's earnest Prayer that we may be enabled, under the superintending Care and Protection of Divine Providence, to strengthen the Feelings of mutual Confidence and Good Will between different Classes of Your Majesty's Subjects, and to improve the Condition of Your Majesty's People.

Lord *Glenlyon* : My Lords, I rise to second the Motion of my Friend the noble Marquess, and which your Lordships have just heard read, that an humble Address be presented to Her Majesty, in answer to Her Majesty's most Gracious Speech from the Throne. My Lords, I cannot but feel some diffidence in addressing your Lordships for the first time on the present occasion, the more especially when I consider the importance of the duty which now devolves on me; but after the very able manner in which the noble Marquess has already treated the subject before us, my task will be comparatively light, and I shall trespass but for a very short time on your Lordships' patience. My Lords, the improved state of the country, the increased activity pervading almost every branch of manufacture, the extension of trade and commerce, mentioned at the commencement of Her Majesty's most Gracious Speech, must be a matter of sincere congratulation to us all. The spirit of loyalty and cheerful obedience to the law, so feelingly alluded to by Her Majesty, has been manifested in every part of the kingdom. On every occasion, and in every place which Her Majesty has honoured with Her presence, She has been received with the utmost demonstration of loyal attachment by every class of Her subjects. On the late occasion

of the royal visit to Scotland, it was a source of the greatest gratification to me to witness, as I constantly did, the devoted and respectful loyalty of my countrymen. But, my Lords, can we wonder at those feelings of attachment to Her Majesty, when Her Majesty's kind consideration for the welfare of her people is remembered? I can safely affirm that Her Majesty has left behind Her but one feeling in the hearts of Her Highlanders, those of pure affection and devoted loyalty. Again, on the occasion of Her Majesty's visit to the City, at the opening of the Royal Exchange, the most enthusiastic loyalty and good order was manifested by the immense crowds assembled throughout the whole of Her Majesty's progress. Your Lordships will, I trust, agree with me in thinking, that these general exhibitions of loyalty and cheerful obedience to the law, are proofs not only of personal attachment to our beloved Sovereign, but also of an increased and increasing confidence in Her Majesty's Ministers. My Lords, the past year has been rendered remarkable by the visits of an unusual number of Foreign Sovereigns to this country, a proof no less of their regard of our beloved Queen, than of their desire to maintain undiminished their amicable relations with this country. The visit of the Emperor of Russia, undertaken at great personal inconvenience, was a striking instance of the desire of that Monarch to keep up that very ancient alliance that has existed between these powerful nations, so important to the best interests of both. The visit of the King of the French, and the manner in which he was received in this country, must have been most gratifying to your Lordships, more especially after the differences that had arisen between the two nations in distant quarters of the globe, the adjustment of which, effected by the good feeling existing between the two Governments, was alluded to in the Royal Speech, at the prorogation of the last Session of Parliament. In the third paragraph allusion is made to the Navy. My Lords, our commerce was never, I believe, in a more flourishing condition than it is at the present moment. Since the introduction of steam it has advanced with vast strides, and the facilities of a rapid communication with all quarters of the globe, have been greatly increased. My Lords, to preserve our commerce must ever be of the utmost importance to us, and for that purpose, as well as for the safety and welfare of our own island and our colonies, we must do

our utmost to maintain undiminished our naval superiority; but the introduction of steam, though it has produced many advantages has at the same time brought with it increased expense, and a larger sum will now be requisite for the complete establishment of our steam navy. Under these circumstances, I sincerely trust that an adequate sum may be readily voted by the other House, to enable the wooden walls of Old England to be, as they ever have been, the defence of our commerce in time of peace, and the terror of our foes, should we unhappily ever be engaged in war. Her Majesty next alludes to Ireland, and says, that She is happy to observe the improved condition of that country. My Lords, Ireland and its condition is a subject which has often been discussed by your Lordships, and with regard to it, I need not at present say more than that I am sure your Lordships will do all that lies in your power to ameliorate the condition of that country. Her Majesty likewise alludes to the Commission which has been appointed, and the Report of which will shortly be laid before your Lordships, to inquire into the Sanatory Improvements which may be deemed advisable to be adopted for the benefit of the poorer classes. This will be matter of discussion at the proper time, and your Lordships I am sure will do whatever tends to the advantage of those classes. I consider that anything that can be done towards the draining of towns, or the making of parks, or anything that can conduce to the health and comfort of the poorer orders, will be of the greatest benefit to them, and will be adopted by your Lordships. In conclusion, my Lords, allow me to thank your Lordships for the kind manner in which you have been pleased to listen to this my first attempt to address your House. My eyesight is not such as to allow me to see the different heads of the Speech, and I cannot remember all the paragraphs of it. There are several which I have not adverted to, because the noble Marquess touched so ably upon them. I will detain your Lordships no longer than to beg of you all to join in Her Majesty's earnest prayer for the peace and prosperity of this country, and the world at large.

The Marquess of *Normanby* said, that if before he had listened to the speeches of the two noble Lords, the Mover and Seconder of the Address, he had not anticipated that it would be necessary for him to trouble their Lordships with any observations which need much delay, or tend to dis-

turb the vote which they were desirous should be come to, having now had the pleasure of hearing both noble Lords, certainly nothing had fallen from them which was calculated to change his original intention. Even one opinion which his noble Friend had expressed, he should content himself with merely dissenting from; but his noble Friend must not think from his silence that he at all admitted his logic, when his noble Friend had, in referring to those demonstrations of loyalty which Her Majesty so well deserved, and so constantly received, also chosen to construe them into a proof of the increase of respect entertained for Her Majesty's Ministers. He did not agree with his noble Friend. Indeed he thought that his noble Friend must have known that there might exist a clan-like loyalty, a loyalty concentrated in affection for the Sovereign, and perfectly independent of Ministerial measures. The Speech contained allusions to other topics, which he had frequently brought before their Lordships' notice, but upon which it was not his intention now to dilate, as other opportunities would be offered for doing so; but their Lordships would not think he was doing wrong in making a few observations upon them. He was aware that it was not convenient to enter into a discussion at a time when the proposal of an Address in Answer to Her Majesty's Speech had become so much a matter of form, that it was hardly necessary now to say, that in assenting to that Address no noble Lord was to be supposed as assenting to the construction put upon it by the noble Lords who recommended it to their adoption. If such were not the case, it would be necessary to discuss its topics more at length, and for the purpose of doing that they should adopt that which was the practice in other countries, and perhaps an improvement upon their own, of having some days to consider the Royal Speech before they were called upon to pronounce an opinion respecting it. Such was not the custom here. Such had not been the custom when the Government was conducted on well-defined principles, and when, therefore, it might not be so necessary as it was at this moment. It would be no safe speculation in the present administration of affairs, that they would not be called upon to support that which they had previously on the same recommendation opposed, or that if support had previously conciliated by holding out certain expectations, a different course might

not now be proposed. In assenting, therefore, to the Address, one must protest, as usual, how very little was meant by that accustomed form. One of the two topics on which he wished to make a few observations, would be found occupying a prominent position in Her Majesty's Speech; he meant as to the state of Ireland. He was anxious to refer to that subject, because at the close of last Session he had stated to their Lordships that it was his intention to call their attention to the state of Ireland at the earliest opportunity; that he should feel obliged to take the earliest opportunity of making a Motion on the general state of Ireland. He wished now to say, that in not persevering with that Motion, he at the same time considered that Ireland was, in some respects, in a more distracted state than she had been for a long time previously. He wished, however, to leave for the present the responsibility of conducting the affairs of that country upon noble Lords opposite: he wished to leave them that responsibility, until he saw what were those measures that had been dimly shadowed forth in this Address, and how its promises were to be fulfilled. It was not, then, his intention to call their Lordships' attention to the state of Ireland; he did not do so, because he hoped that some of the measures that were promised to them might be such as he could willingly assent to and readily support. While he said this, he must observe, that he could not agree in the wide interpretation that had been put upon that sentence of Her Majesty's Speech, which stated that there had been "a gradual abatement of agitation and excitement" in Ireland. That might be technically true, and yet not accurately correct. There might be, and he believed that there was, less of the outward appearances of agitation—there might not seem to be so much of agitation in a particular direction—indeed it was not possible that such outward demonstrations could be long maintained stationary—he wished, he felt sure, it was attributable to the feeling on the part of the Irish people of the impracticability of one measure for which they had been agitating—he meant Repeal—and he hoped it was so; but this he must say, and their Lordships might depend upon it, that unless some more comprehensive measures of justice were proposed for Ireland than those shadowed forth in the Speech, they never would be able to secure the affections of the Irish people, and never could look

for, never could calculate upon, the permanent tranquillity and progressive improvement of Ireland. He believed that the measures which Her Majesty's Government was likely to propose, would be such as, as far as they went, he should be able to support. Certainly if they should prove somewhat inconsistent with the opinions avowed by noble Lords opposite on former occasions, it was not for him to complain; it was not for him to object to noble Lords pursuing a course which in fact rendered tardy justice to the views always entertained by himself and his noble friends around him as to the government of that country: these were questions which history would record, and on which posterity would decide. He felt that it would be unworthy of him to use it as a topic of reproach, although he could not avoid making it a subject of reflection, when he considered how slight must be the hopes of noble Lords opposite, considering their ill-success hitherto, that any confidence could accompany their attempts to conciliate the Irish people. He need not go farther back upon this subject than two years—he need but to remind their Lordships that the Home Secretary of the present Government—the Minister to whom the government of Ireland is entrusted as a peculiar charge—had declared in his place in Parliament, that "concession had reached its limits." When such was the case, when the people of Ireland felt that since that time they had done nothing to establish peculiar claims to the favour of noble Lords opposite, when he recollected that declaration, and with it the events that had since occurred, he must say, that he could not wonder at the small success which had attended the measures of noble Lords opposite to conciliate the Irish people. One Bill had been particularly alluded to in the Speech from the Throne; it was one to which he had given his cordial support last Session—he meant the Roman Catholic Charitable Donations and Bequests Bill—the most important part of it was that which established a more fair and a more impartial Board for the distribution and management of charities than had previously existed. He felt convinced that the provisions, that the objects of that Bill were to confer an advantage not previously possessed; but he regretted that there should be provisions in the measure which were considered objectionable by persons professing the Roman Catholic religion. He acquitted, fully acquitted, noble Lords of the intention of in-

serting Clauses in that Bill calculated to impede the attainment of the object they professed a desire to accomplish. He gave them credit for the best intentions; but at the same time he repeated his regret that they had not consulted, before they carried their measure, some of those prelates who had since consented to accept office under it. He surmised, however, from the statement of Archbishop Murray, that some of the clauses objected to, might be amended. In Her Majesty's Speech credit was claimed for the Charitable Bequests Act, and for the spirit in which it was conceived and carried, and he gave to noble Lords opposite thorough credit for having done so. It was not for him to say whether the appointment of the clerical Commissioners was or was not technically inconsistent with the clause in the Emancipation Act, prohibiting Roman Catholic prelates from taking titles due to them on account of their position in the Church to which they belonged. Perhaps this was not technically inconsistent, but it certainly looked inconsistent with the spirit of the clause of the Emancipation Act, which was proposed with the intention of not permitting the dignitaries of the Catholic Church to assume those titles which they used as prelates of that religion—the religion, he might observe, of the great majority of the people of Ireland. Considering that such was the position of those prelates, he certainly did not object to the rank and precedence that had been given to them on the Commission. He could not, whilst he said this, but feel, however, that if he had had the good fortune to assist in passing such an Act, whilst he was in Ireland, he believed noble Lords opposite would have loudly exclaimed against it; that if he had proposed to a noble Lord, who, as he was not then in the House, he would name, the Earl of Donoughmore, that he should give place and precedence to Dr. Murray and Dr. Crolly above that noble Lord in respect of their rank and title as Archbishops, no railroad could have travelled fast enough for the noble Lord to bring him down there, to lay before their Lordships' House a formal complaint against him for the extraordinary innovation attempted by him and the then existing Government in Ireland. He was sure that this would have occurred to himself, when he saw then in the House a right rev. Prelate, who had rated him most soundly on a former occasion, when in discussing a matter connected with Canada,

he had given to a Catholic prelate the title of Bishop of Quebec. In discussing that point, he was obliged to defend himself by saying, that if he had erred he had only followed the precedent that had been set him by other noble Lords. He called now upon noble Lords opposite—he put it to them—whether they considered it right any longer to persevere in the inconsistency of refusing to those prelates titles which belonged to them as Roman Catholic bishops, and which were derived from the dioceses over which they presided, when at the same time they placed them on a Commission for the purpose of deciding the limits of these very dioceses? It seemed to him to be actually childish to persevere in maintaining such objectionable provisions. He had not seen the Act lately, and there were many noble Lords present who were able to construe it much more correctly than he was—but he believed the Act said that the Roman Catholic prelates were not to assume the titles of dioceses the titles of which there were other persons authorized by law to assume. Now, there was no Protestant Archbishop of Tuam; therefore, Dr. M'Hale, he believed, might call himself by that title; on the other hand, Archbishop Murray and Dr. Crolly could not, as the law stood, take the titles of the dioceses of which they were respectively the heads; so that the law had this unjust operation, that while it gave to some prelates the power of taking the titles of their dioceses, it withheld that power from others. He wished to say one word more in connexion with Ireland; it had reference to the promise contained in Her Majesty's Speech that shortly would be laid before this House the Report of the Commission appointed to inquire into the Law and Practice with regard to the occupation of Land in Ireland. Their Lordships would recollect that early in the last Session of Parliament he expressed his extreme distrust with respect to the beneficial results which might be expected to arise out of that Commission; and from all the information he had since received he was confirmed in the opinion that it had excited expectations from one end of Ireland to the other which it would be difficult for any report, or legislation founded upon any report, ever to fulfil. But as the Commission was appointed, and its Report was now nearly completed, he did trust that there would be no unnecessary delay, not only in placing it before Parliament, but in stating to Parliament whether the Government

did or did not intend to propose any legislative measure upon the subject ; because he could assure their Lordships that the excitement in various parts of Ireland, and the erroneous and unfounded expectations it had given rise to, were doing more mischief than the "political agitation and excitement," the abatement of which had been referred to with such satisfaction in Her Majesty's Speech. Strictly speaking, he believed that at this moment there was less agitation in Ireland than during the last year. He also believed that that agitation would not have continued so long, but for the ill-advised, ill-timed, and ill-conducted interference of the Government. However, he was not anxious to revert to that subject. He had heard, with a regret which must be felt by every one anxious for the welfare of Ireland, that many parts of it were now in a state of great disquietude—that prædial outrages and crimes had been committed, and greater disturbance existed in the country than had existed for many years. Formerly this subject had been made use of, and had been employed for the purpose of attack upon the Government of the day, and, as he thought, most unjustly ; for, whilst he was connected with the Administration in Ireland, he had proved irresistibly, he had by figures demonstrated, that crimes were less then than they had been at former times ; and he stated farther, that of which he was ready to give noble Lords opposite now the advantage, that such crimes were not attributable to the Government of the day—that their causes were to be traced much farther back—that they were to be found in centuries of misrule—in the neglect of Governments for successive ages, and that they could not with any justice be laid upon any one Government in particular. He said, then, that whilst he cast no blame upon the existing Government, he could not but express his regret at the number of outrages that had lately been committed in Ireland. With respect to other topics referred to in the Address, he had already observed that it was not convenient, at that moment, to go through them. In fact, there was no great difference of opinion upon many of them between himself and the noble Lords who had introduced the Address to their notice. Every one who wished to see his country prosperous, must feel, in common with the Government and the noble Mover and Seconder of the Address, the greatest satisfaction at the activity and prosperity

which now pervaded commerce and manufactures ; but whilst they were grateful for what they possessed, they should ever recollect that this was one of those changes, as regular as the ebb and flow of the tide—that it was one of the periodical intervals of prosperity that followed distress,—and hitherto, alas ! had as certainly been followed by adversity. He hoped and trusted that the present satisfactory condition of public industry would be of longer duration, and be better founded than heretofore ; at any rate, no one could claim credit for what was known to be of periodical recurrence under every Government, whatever might be its principles ; for that Government, in his opinion, could alone claim credit which could by its measures prevent the recurrence of periods of distress, and save them from the pressure that hitherto had been immediately consequent upon times of prosperity. He was also one of those who derived the most sincere pleasure from the existence of good relations with our neighbour France, and the other Powers to which allusion had been made in the Speech of Her Majesty ; knowing, however, the susceptibility that existed in France as to any observations made respecting it in either House of Parliament, he believed he should best promote the object they had at heart by saying as little as possible with reference to it, particularly as that was not a convenient moment for giving any opinion upon details connected with recent transactions. He would merely observe, that no one was more anxious than himself for the preservation of peace and the maintenance of those good relations which it was the interest of both countries alike to promote. It might be unusual to allude to the visits of foreign Sovereigns ; but the occasion of two such distinguished individuals, distinguished as much by their personal character as by their exalted stations, visiting this country in the same year, was so remarkable, that he cordially agreed in the observations which had been made by the noble Lord opposite. He came now to one other topic, which he approached with feelings of deep satisfaction ; he believed it to be one of paramount importance,—it was one which he had often brought before their Lordships' attention—he meant the allusion in the Speech from the Throne to the Report on the Sanatory Condition of the people, and the gracious expressions which had been uttered by Her Majesty—than whom, he believed, no one in the

country felt a warmer interest in the welfare of the people—when she stated the gratification she should experience if the information and suggestions contained in the Report would enable Parliament to devise measures for promoting the health and comfort of the poorer classes of her subjects. He could not refer to this matter without recollecting how much the country was indebted to their Lordships for the steps they had adopted on the subject, for the kind interest they had taken in it, for the devotion of their Committees, and the attention which the authorities of the House had paid to those measures which passed unanimously through the House when brought before their Lordships by the person who now had the honour of addressing them; though on questions of general policy the Government of that day did not receive their support. He felt confident that the Report to be laid before them would be followed by some good measure, or such gracious mention of the subject would not have been made, and he trusted that by such measure they would have the means, not only of alleviating the sickness, disease, and misery, which were at present so widely diffused over the country, and of repairing the past neglect of many years; but that such a measure might be passed as would be a blessing to future generations; that through its means, might be born, with all the freshness, strength, and vigour of life, a race of men, gifted with that physical superiority that once distinguished, and might again belong to Englishmen, and which, connected with their higher moral energies, constitute the surest foundation for our national greatness. He concluded by expressing his earnest, his sincere feelings of gratification, upon finding this subject referred to in Her Majesty's gracious Speech.

The Duke of *Richmond* stated that it was not his intention to address their Lordships for more than a few minutes; nor in rising had he, he assured them, any intention of proposing an amendment on the Address. He must, however, say that there was one omission in the Queen's Speech which he was obliged, with considerable regret, to notice. Her Majesty began Her Speech by saying, "I rejoice that I am enabled, on again meeting you in Parliament, to congratulate you on the improved condition of the country." Was not agriculture, he asked them, a part, a portion of the country? Was there

a man in that House who did not consider it desirable that the tenantry of the country should be in a "prosperous condition"? Were the tenantry prosperous? Was there a single individual in that House who did not know that the tenant had in the past year lost a great deal of his capital—a great deal of his property? He rose to call their Lordships' attention to this. He believed that the Government did not bestow any attention to that fact. He did not find fault with them; for he never saw a Government that troubled themselves much about agriculture; as soon as any set of men got into office, he found that they forgot that there was such a thing as agriculture. They had a Board of Trade which communicated with the Government on trade and commerce: they had no such thing for agriculture—agriculture had no Board to make known its wants, it was therefore overlooked; that was the reason why the Government of this country was never aware of the state of agriculture and the agricultural body. He could state that there had been very great distress amongst them, and that distress ought to have been adverted to in the Queen's Speech. There was another recommendation in that Speech, that the Income-tax should be continued. It was not his intention to dwell upon this subject; but if the Income-tax were re-enacted, he wished to know whether anything could be done to remedy the inequality with which it pressed in the case of the agricultural tenant? When the farmer paid a rent of 300*l.* a-year, he was charged as if his profits were 150*l.*, whereas every other class of traders were charged upon an exact account of their actual profits. When the farmer lost his money he was, however, charged just the same as if he had gained. It was impossible for him at present to pay, with the low price he was receiving for his produce. He did not mean to make a Corn-Law speech. He felt that it was only necessary for him to rise at present to know why agriculture had not been mentioned, and to inform the Government that the more they inquired into it, the more true would they find that agriculture was distressed.

The Duke of *Montrose* wished to take the earliest opportunity of referring to the intimation that had been given as to an interference with the currency and the system of banking in Scotland. That system, he wished to observe, had been attended with the most complete success, and it had now stood the test of a century and a half.

The great mass of the community, who had derived considerable benefit from it, and who had the best opportunities of forming a judgment respecting it, had signified their complete satisfaction with the system as it stood. There had been great meetings of Chambers of Commerce, and of persons engaged in trade, as well as county meetings, all of which appeared to be actuated by the same feelings of its advantages. He therefore earnestly deprecated any interference with that system in order to change what was generally approved. Why, at any rate, should any change be made just now, when no one word was put forth against the system by anybody, when it was admitted to be free from the evils which were complained of in the English banking system? To him, he must say, it was matter of surprise that any Government should run a risk by interfering and substituting something which might not work so well. These, he was persuaded, were the feelings of the constituencies; they were the feelings of every one of the representatives for Scotland, and they would, to a man, oppose any great alteration of the system; he did hope, therefore, that the alterations which the Government meant to bring forward might be of a trivial nature only, and therefore such as he and others could concur in.

Lord *Wharnccliffe* said, he had not intended to trouble their Lordships, but he could not allow the observations which had fallen from the two noble Lords who had spoken last to go without reply. In the first place, his noble Friend on the front Bench (the Duke of Richmond) had complained, that in the Speech Her Majesty's Ministers had not rightly stated the condition of the country, and then he found fault with them because the state of the farmer was not so flourishing as it had been. Now, if his noble Friend would look to the paragraph to which his observations referred, his noble Friend would find that the remark respecting the improved state of the country was confined to the condition of the manufacturing, commercial, and trading parts of the community, and did not make any allusion whatever to agriculture, or the farming part of the community. Then with regard to his other noble Friend who spoke of the paragraph in the Queen's Speech which referred to the proposed change in the banking system in Scotland, his noble Friend had introduced a word which was not contained in the Speech. His noble Friend talked

of a change in "the Currency,"—now if his noble Friend referred to the Speech, he would find a reference to the banking establishments of Scotland, but not a word about "the Currency." But he would not say a word more, because he should be sorry that anything which fell from him should interrupt the unanimity which prevailed.

Lord *Brougham*: I do not, my Lords, rise for the purpose of prolonging a debate in which there is no difference of opinion entertained upon the several topics introduced into Her Majesty's gracious Speech; whilst, with the noble Marquess, I do not wish to be understood as pledging myself upon those topics, because we are in the dark as to the measures that have been shadowed forth—vaguely shadowed forth, and properly so—in the paragraphs of the Speech delivered from the Throne. No noble Lord, therefore, will be understood as pledged to acquiesce in the measures that may grow out of the Speech. Amongst the matters not vaguely referred to is that of the financial condition of the country—the improved condition, generally, of the country that has taken place since, two years ago, I felt it my most painful duty to call your attention to the situation under which then laboured a large and important class of the community. A contrast more remarkable between the state of the manufacturing classes then, and their present condition, there cannot be. I am, my Lords, the more gratified in contemplating that change, and observing upon that contrast, when I remark, as I have a right to do from the facts, that the improvement is not topical, nor confined to one or two branches, but has been general, and this is to be seen, from the state of the receipts of our Excise and our Customs, those great indications of the actual condition of the foreign and domestic trade of the country. The Excise in particular marks also an increase of comforts amongst our fellow subjects. Nothing can be more gratifying to the feelings, in regarding this subject—nothing can be more pleasing, in looking to the financial condition of the country—than to find that the increase of the revenue, and the improvement in trade, are greater last year than the year before, and that year was an increase on its predecessor, and that, an increase on the year 1841. Nothing can be more gratifying to a statesman than this, because, being gradual, it is so much the more steady, and becomes, so to speak, trustworthy proof

of decided and permanent improvement. And this leads to what I first alluded to, as being less indefinite than the rest of the Speech—I mean the reference made to the Income-tax. My Lords, I wish on no account to be considered as pledging myself by any vote I may give on the Address, and in favour of the Motion of the noble Marquess (Marquess Camden), whom I have heard for the first time with great satisfaction—for every one must feel that the name of the noble Marquess is connected with some of the greatest recollections of this House, I mean those of his illustrious ancestors, one of whom once presided here, and another of whom, the immediate predecessor of the noble Marquess, no subject of this country should ever name without the utmost gratitude for a splendid generosity which has never been surpassed by any other subject of the Crown, and which, I grieve to say, from the thoughtlessness of mankind, has never been made adequately the subject of national commemoration and public thanks. My Lords, to that noble Marquess's observations generally, and amongst others those on this part of the Speech, in giving my concurrence, I do so without pledging myself either for or against the Income-tax. It will depend entirely on what are the other taxes to be repealed, whether I shall be for giving up, or for continuing it. Until I see what taxes are to be kept, and what to be repealed, I am not prepared to say whether or not I should give up the Income-tax. It has many advantages, but it has also many grievous drawbacks and most serious evils attending it. If the question merely was whether we should abandon the Income-tax or keep it on, and that were to depend on whether we should find any other tax to put in its place, which was less prejudicial to the country, and less grievous to the payer of the tax, there would be less difficulty in deciding as to the giving of it up; for I can hardly conceive a tax which has so many objections to it as an impost merely. The matter will be discussed, however, on totally different grounds. If other taxes can safely be abandoned; if other taxes, which now press upon the industry of the country—taxes which cramp and fetter and stunt the productive powers of the country's industry, which oppress the trade and manufactures of the country—our insurance taxes, for instance, which send large branches of insurance business to be transacted in Hamburg and Amsterdam—bad manufacturing taxes—if I may so

say—I mean the taxes which press on the raw material used in manufacturing—if these, and such as these, are to be given up, those the removal of which may give a spring to our foreign trade, and a spring also to our home manufactures, and, above all, may at the same time materially relieve the consumers in the lower and middle classes of society—then would I be prepared to give a most favourable hearing, with all my strong prejudices against the Income-tax, to a proposal for continuing it. The question, therefore, merely is, as to what those other measures are to be, and not a question abstractedly on the merits of the tax. I have listened with the utmost satisfaction to one part of the gracious Speech from the Throne—I mean that part which relates to the proposed increase in the means of Academical Instruction in the sister country. But as that is a subject of a very large and somewhat delicate nature, and as we shall have an opportunity soon of addressing ourselves to a detailed consideration of it, I now do no more than simply express my gratification at its announcement. With respect to the congratulations which the noble Marquess justly calls upon us to present to Her Majesty upon the improved condition of Ireland in respect to political agitation and internal peace, I do not wish at all to dwell upon this topic, or to answer what fell from my noble Friend (the Marquess of Normanby) in connexion with it, because I am, above everything, desirous of avoiding all chances for differences of opinion on an occasion which presents no necessity for any such dissensions; but I will only beg that my silence on the question may not be construed into an assent to the only part of my noble Friend's fair and candid speech with which I feel any disposition to differ. I don't assent to the view taken of the agitation in Ireland. Until the judicial question which had been before your Lordships last Session had been disposed of, an opportunity was not offered for considering this question; that judicial question has been decided, and now such an opportunity is afforded of bringing the policy of those prosecutions before your Lordships, and of taking your opinion upon them. When any noble Lord will bring the subject forward, I shall be ready to give it as my opinion that to those prosecutions much of the tranquillity of that country is now to be attributed. Thus much I feel bound to say, but further I purposely abstain from

entering into that question just now. And now, as regards a part of the Speech in which all will agree—that which alludes to the royal visits recently paid to Her Majesty—the visits of two of the most powerful Sovereigns of Europe, and of the amiable and accomplished King of Saxony, have diffused universal satisfaction. But I particularly do congratulate this country and your Lordships on the visit of the illustrious monarch who last graced our Court with his presence; and, if your Lordships will permit me, I will take leave to say, that the effects of that visit here, and the reception which His Majesty the King of the French met with in this land, are not confined to the gracious Sovereign who received him, or to the brilliant Court by which both were surrounded, or to the people, all classes of whom, as Her Majesty justly observes, hailed his presence with gratification, and saw his departure with concern; but that across the Channel—in France itself—the happiest effects have been produced by His Majesty's reception here. An improved feeling exists in that country towards this; and those difficulties—most of which have been happily overcome, and the remainder of which I confidently hope will speedily be overcome too—those difficulties have been overcome without any sacrifice either of interest or of honour, or even of mere etiquette; without any concessions, or any shadow of concession, either on the one part or on the other. Neither is there any alliance between this country and France, nor is there any concession of this country to France, nor have there been any concessions whatever by France to England, but on equal terms, as became two great nations, on terms of perfect, of absolute, and of unbroken equality: without alliance, but without ill-will; with perfect friendship—with more than neutrality—with perfect amity and cordial good understanding have these questions been disposed of; but, I repeat it, without alliance and without the shadow of concession either being asked by one party or given by the other. This is the footing on which these two great Powers must continue to act—this is the position in which these two great nations must continue to stand relatively, the one Power to the other, if they desire to preserve peace unbroken; and, preserving their own peace, to guard the peace of the world. And this should be the language of both the puissant monarchs at the head of these mighty empires:

“Non ego, nec Teucris Italos parere jubebo,
Nec mihi regna peto: paribus se legibus
ambæ
Invictæ gentes”—I say, “Ambæ
Invictæ gentes—æterna in fœdera mittant.”

And why, in the name of common sense, should either the one or the other of these great princes, or the subjects of either, ask to have any accessions made to the dominions they already possess? England, possessed of an empire already on which the sun never sets—with every variety of soil, climate, produce, and people; and France, with her countless millions in the centre of Europe? None can feel greater astonishment than I always feel to see France adopting a policy which is certainly none of the wisest, keeping an army of 90,000 men shut up in Africa, and spending 100,000,000 francs a year only to gain a little more territory, which only produces the same things as are far better produced in France itself—seeking to extend herself on the South of the Mediterranean Sea. Yet if it is the wish of that people so to do, God forbid that any one should prevent them. But to require any new settlements, either for France elsewhere, or for England elsewhere, appears to me to be a folly, which I am almost inclined to term an aberration of the public mind, and which I believe hardly now exists on the other side of the channel. I have seen, indeed, persons pretending to an exclusive knowledge of English policy, who have discovered, as they boast, that our very existence depends on having a monopoly of the commerce of the world. England must live, say these wiseacres, and if she live at all, she must live, say they, by monopolising all commerce; as if the idea of monopolising commerce were not a contradiction in terms, as if it was possible that trade could be monopolised, unless you discover a mode of trading with yourselves, of selling when you have no customers, and buying when you have no markets. This is a doctrine of those foolish people, who, both in this country and in France, pretend all the while they are not the enemies of peace. I am gratified in the highest degree with the greatly improved state of the public feeling towards us in France; gratified, as I continue to be, with the continued goodwill of this country towards France, and with that amicable feeling and that profound and universal respect for the renown of the French name, even for the renown of the French arms, to which I know of no exception whatever, in any statesman who deserves the name in this

country, or in any portion of the community whose opinions are worthy of the slightest consideration. That those feelings may long continue to animate the statesmen and people of the two nations, and by their continuance to secure the peace of the world, is the most fervent prayer to which I can either publicly here, or elsewhere in private, give utterance. My Lords, I must apologise for having detained your Lordships, perhaps unnecessarily, on the present occasion, but I speak not without some knowledge of the subject; I speak, not merely my own sentiments respecting the French, which are of little moment; but I also am fully aware that I speak the sentiments of all your Lordships; and I know that an expression of what I am aware we all feel, however inadequately I may have given utterance to it, may not be without its good effect.

The Earl of *Hardwicke* said, that after the eloquent address to which their Lordships had just listened, and after what had fallen from the Mover and Seconder of the Address, he should be sorry to detain their Lordships for any length of time; but the noble Duke who sat on the cross benches (the Duke of Richmond) had touched a chord which would vibrate through the country; and from the state and feeling of that class of the people commonly known as the agricultural interest, he regretted exceedingly that the noble Lord who had got up to answer the very short and pithy speech of the noble Duke, did not at once express those feelings which he was certain were entertained by Her Majesty's Government towards that most important class of Her Majesty's subjects. From the position of the noble Duke, it was impossible that he could make any address to their Lordships touching the condition and feelings of the agricultural class, without its being felt and considered that some answer was necessary for the satisfaction of that class, and to alleviate their fears; but whether those fears were just or not, he (Lord Hardwicke) would then give no opinion. Were he called on, and it were necessary that he should give an opinion, he should say that of all things in the world he would most have desired that an omission in the Speech should be an omission of reference to that class. His belief was, that if left alone, if permitted to rise by their own industry and their own exertions, if they were left free from legislative enactments, and untouched by a press which pandered to the appetites of a particular class in this country—whose

desire was to raise agitation throughout the country for purposes best known to themselves,—if left alone on these points, there was no question that the agricultural interest itself would triumph over the difficulties which now beset it. In any allusion made to that class, it should be remembered that when the present Government first came into power it had difficulties to contend with in reference to all classes. Did they forget the depression of all classes at that time? How totally depressed were the manufacturing interests of the country? Could they suppose for a moment, that, after a depression of that sort, that after the suffering of so large a portion of the people, that after they had been deprived, in a great degree, of the means of securing the common necessities of life, that after such suffering that depression was not equally felt by every class of the people? In every instance, in this country, whenever the commercial classes have suffered, there had been corresponding suffering on the part of the agricultural class. Were they then to introduce, on every occasion, into a Speech, words which would have little meaning? It was perfectly true, that it might be well to sorrow for the agriculturists; but a mere expression of sorrow in the Queen's Speech would do them no good. Alleviative measures were asked for, but he would ask the noble Duke to give them these measures, and let them know what he was going to do with the existing state of the country. When that question came before the House, in whatsoever shape it might, no Government that ever wielded the destinies of this Empire ever showed itself more ready than the present would do to lend a willing ear to any class which might suffer oppression; and the agricultural, like every other class, would find in that Government a strong desire to do justice on all occasions, always remembering, that when they used the word "class," there were more classes than one. It was impossible for their Lordships not to be aware that the agricultural interests were depressed. It was impossible that any one could know this better than did the noble Lords in that House, who were so deeply interested in the welfare of the agricultural class. But was it necessary, he would again ask, unless they were able to bring forward measures which would alleviate that class, without leading to questions of such importance as would arise again in the public mind and feeling on a subject from which they had just been relieved, or would it be consistent with

all the other proceedings of the Government, to introduce into Her Majesty's Speech words which would of themselves have no direct meaning?

The Earl of *Malmesbury* said, that in replying to the noble Earl, he should have felt very great pleasure if in the reply he made to the noble Duke (the Duke of Richmond), he had expressed something of that sympathy which he (the noble Earl) said he felt for the agricultural interest. A very few words, although they had not been inserted in Her Majesty's Speech, would have been to the agriculturists a great consolation. He (Lord Malmesbury) had never in his life seen them so depressed or so much out of spirits as at the present moment. The noble Earl who had just spoken, told them that it would have been improper had any expression of sympathy on the part of Her Majesty been inserted in the Speech. It would not, however, have been the first time that such expressions of sympathy had appeared in Her Majesty's Speech. If it would have been the first time, he was wrong. But if sympathy had ever been thus expressed before, he saw no reason why it should not have been repeated on this occasion.

The Marquess of *Lansdowne* said, that he found himself a little in that situation which had been the motive which induced so many other noble Lords to address their Lordships—that, not objecting to the Address, he apprehended that his silence might be construed into an acquiescence in some opinions or in some views which he could not conscientiously support; and the more particular motive which induced him to rise on that occasion, was that which fell—though in a very guarded and conciliatory manner—from his noble and learned Friend beside him (Lord Brougham), with regard to proceedings which had lately taken place in Ireland. His noble and learned Friend having alluded to the circumstance that during the whole of the last Session of Parliament, in deference to the pending judgment of that House, no discussions had taken place in that House relating to the State Trials in Ireland, and having connected that observation with the additional observation that now an opportunity was found for considering the spirit of these proceedings, and the motives with which they were instituted, he (Lord Lansdowne) was certainly anxious to take that first opportunity, in case another should not be afforded him, of protesting that his judgment upon these proceedings was not that of approbation.

All that he claimed in behalf of the forbearance which he had hitherto exercised on that subject was, that in so doing he might not be supposed to approve of the mode in which these trials had been conducted. But in what situation did he find himself now, and in what situation did the House now find itself? At the close of these proceedings, that House had, by a solemn judgment, set aside the decision of the Courts of Law in Ireland. Whatever opinions, after that judgment had been pronounced in that House, he might entertain in respect to the way in which these proceedings had been carried on in Ireland, he certainly, for one, was contented with that judgment. He would not then raise topics which could not be discussed in that House without raising a spirit which he would be sorry to see excited again—and without calling forth, in this country and in Ireland, a misapprehension as to the motives and spirit in which such propositions should be made. All therefore which he would then say on that subject—and he would say it without presuming to offer now what he had not presumed to offer at the time, any opinion as to the merits of the judgment which that House, after hearing the opinions of the noble and learned Lords so competent to judge of the subject, had pronounced—was, that whatever might be the merits of that judgment, he considered it to be one of the circumstances which had led to a better state of feeling in Ireland amongst the more rational of the people whose opinions composed the public opinion of that country; because he thought it impossible for any persons in Ireland to contemplate the care, and caution, and the forbearance with which that House had endeavoured to secure to the people of Ireland the most perfect enjoyment of the most valuable privilege of the British Constitution—the Trial by Jury—without feeling that they have been indebted to this branch of the Legislature of the United Kingdom for a degree of care and attention to their peace and to their privileges, which under no Government and under no Constitution could they have obtained to a greater degree. He believed that at this moment, and in that respect he joined in the language of the Address, that whatever unhappy dispositions might prevail amongst the misguided lower classes in Ireland, there did prevail among the higher classes a better tone, a better state of feeling than had existed in that country for a long time

past; and among the circumstances to which he attributed that, it was assuredly owing, in a great degree, to the respect shown by that House to the feelings and the constitutional rights of the people of that country. He had said so much for the purpose of guarding himself with respect to being committed to any opinion at present, on the subject of the trials. He must add, that he hoped that, now all obstacles being removed to the proceeding proposed by his noble and learned Friend (Lord Campbell)—and no person was better fitted to take up such a subject—his noble and learned Friend might be induced, at a very early period of the Session, to propose again what he had proposed last year, and which was then objected to merely on the ground of the proceedings which were then before the House, viz., an Act the effect of which would be to remove so great a stigma on the law of England, as imposed on a person convicted, the suffering and endurance of that sentence which he should never undergo, until his conviction was complete. A more complete injustice admitted into the administration of the law of any country did not exist; and if his noble and learned Friend again undertook the subject, he felt sure their Lordships would give it their ready assent—not for the benefit of Ireland only, but also for the benefit which England and the English people would derive from such an act. Before quitting the subject of Ireland, he would say, that assenting, as he had already said he did, to every topic in the Address proposed to their Lordships, there was no part of it to which he assented with greater cordiality than the intimation it conveyed that it was now the intention of Her Majesty's Government, at an early period, to take up the subject of extending Academical Education in that country, in such a way as to bring about real extension. On that subject he could assure their Lordships that he had nothing but approbation to express, accompanied perhaps with some degree of sorrow, that Her Majesty's Government had not at an earlier period formed a decided opinion on this subject. He believed that the absence of that extended education, and the existence hitherto of a vicious system of education in that country, had been from year to year producing worse and worse effects, and preventing Her Majesty's Government from administering those effective remedies, which, if they meant to make them effective, must be administered on a large scale,

with an unsparing hand, and with reference to all the circumstances which exist in the social institutions of that country. On other topics he did not then consider it necessary to trouble their Lordships. There was not one word uttered by his noble and learned Friend (Lord Brougham) with regard to the importance of maintaining the peace of Europe, and more particularly peace between this country and France, in which he did not cordially concur. He thought it would be lamentable, indeed, if that peace should be compromised for such interests as those which had lately been brought into question; but what he (the Marquess of Lansdowne) lamented was, that it was notorious to all the world that from such causes our mutual interests had been well nigh compromised, and that we were on the very brink of open hostilities. He considered that as leaving a lesson behind it, which it was important that the Governments of both countries should study; because, acquitting as he did Her Majesty's Government—for he was sure they would not enter into such hostilities unprovoked—and acquitting also the Government of France, the advisers of the King of the French, of any intention of plunging these two countries into war—it would be well for their Lordships to consider how, for want of due explanation in the first instance, that which was small and insignificant in itself had been gradually magnified, and had assumed a character which had threatened permanently to involve in confusion the interests of both countries. He hoped that Her Majesty's Ministers would, on every occasion of that nature which might arise, endeavour to procure in the first instance an explanation of the character of any transaction which might occur, so calculated to call out the passions both of this country and of France. If no such system of explanation obtained between the two countries, all the islands which formed the region of Polynesia might become so many plague spots, out of which might arise the direst consequences. He hoped, however, that if the principle of protectorates were to be admitted into the system of international law, it would be known in the first instance—for the knowledge was most important—what were the rights and privileges of protectorates. In the *Law of Nations* we found scarcely any authority on the subject. If the last authority published were examined—he meant the excellent book of Mr. Wheaton—there was but one vague sentence in which the

office of protectorate and its qualities were explained to the reader. In the case of the Treaty of Vienna, by which our protectorate of the Ionian Islands was established, it was well known that it was for the common interests and the common policy of Europe that that authority was imposed, and its extent and privileges were carefully and particularly explained. With reference to any assumed protectorates, it was, he repeated, most important that it should be defined what their rights and privileges were, and that no rights contingent upon such offices should be exercised in any quarter, without their being made by the Governments and the statesmen of both countries, the subject of full consideration, and an explicit declaration being put forth of the objects to which they were to be directed. With regard to another point of the Address to which repeated reference had been made, he begged to say that, although it was perfectly natural for noble Lords on both sides of the House to have taken the present opportunity of expressing their alarm at the state of the agricultural interest, and their apprehension of anything that might be done in the way of legislation, or their hope that something would be done in another sense—although, he said, it was perfectly natural that they should have taken that opportunity of expressing their feelings in the way they had, he did not consider them, as he certainly did not hold himself, bound by the Address as to what might, or what might not, be proposed for the purpose of relieving either that or any other interest. Then again, by adopting the present Address and carrying it to the foot of the Throne, the House would not stand committed to the propriety of continuing the Income Tax. That, as their Lordships well knew, was a subject of the gravest kind; they must know, likewise, that it was a subject which agitated a great many more bosoms throughout the country than did any question relating to Irish Education, or any differences which might arise between England and other countries on such subjects as had recently occupied the attention of the Foreign Offices in Paris or in London. There could be no doubt that the attention of the country would, in the first instance, be directed to that most important and deeply interesting subject; there could be no doubt either that the public would readily enough regard the Speech which the Ministers had advised Her Majesty to make as a species of advertising for advice—a demand for

suggestions—a significant hint, which in many quarters would be well understood, and the meaning of which was, that the Ministers must continue the Income Tax if they sought to relieve the more productive branches of industry from the weight of fiscal burdens. There could be no doubt that the effect of such a proceeding on the part of the Government would be to bring to their ears a great deal of advice between the present time and the period at which the Budget might be brought under the consideration of the other House of Parliament. Upon that influx of advice, he begged most heartily to wish them joy—he congratulated them upon the quantity of disinterested counsel which they were likely to receive. But though he supported the present Address, he by no means agreed to a continuance of the Income Tax. It was an impost to the continued existence of which he could not bring himself to consent, unless it were clearly shown to him that its maintenance would have the effect of relieving the industrious classes from burdens which oppressed manufacturing skill, and checked commercial enterprise. With feelings such as those which he had that night endeavoured to express, he should go into the question of the Income Tax, and into all others of a similar kind which might be brought under the consideration of Parliament. But, convinced as he was, that voting as he that night intended to vote, would not have the effect of pledging him upon either side of any question, he should support the Address in the terms in which it had been proposed.

The Earl of *Aberdeen* said, that in consequence of what had fallen from the noble Marquess on the subject of our foreign policy, he wished to say a few words. It was quite true that the noble Marquess did not apply to the discussions which had recently taken place between the Governments of France and England, any language which could be construed into a censure upon the conduct pursued either by the one side or by the other. But though there was nothing in his observations amounting to actual censure, yet he complained of the want of a good system of explanation—one calculated to insure the settlement of differences likely to arise between this country and France. Now it had so happened that the satisfactory settlement of the subject of those discussions arose out of the adoption of that very system of explanations which the noble Mar-

guess said was so necessary to the preservation of an amicable understanding between the two countries. There was another point on which the noble Marquess had dwelt at some length, namely, the question of protectorates. Now, he wished to observe that the occurrences which had given rise to the recent discussions between the Governments of France and England, had their origin, not in any question between the two Governments on the subject of protectorates, or from any doubtful point connected with the Law of Nations, but from the insulated act of a subordinate officer, unauthorised, uninstructed, and unknown to the Government by which he had been appointed. He so entirely agreed with his noble and learned Friend who had spoken early in the debate, that neither the Government of the one country ought to be prepared to demand, nor that of the other to concede anything that could not, with the utmost honour and the highest sense of the dignity and the interest of both, be cheerfully granted; that he would only say that in the representations which it had been his duty to make to the French Government, he had never thought of asking—indeed, he should have been ashamed to ask anything of the French Government which he should not be prepared, in a similar situation, to advise being conceded on the part of this country. This was the principle upon which he had proceeded throughout the whole of the negotiations, and he did not hesitate to say, that the adoption and recognition of that principle on both sides had led to the happy result upon which they were now enabled to congratulate themselves.

Lord Campbell begged leave to give notice, that unless a bill similar to that brought in last year in reference to the Criminal Law were again brought forward, he should himself offer a measure to their Lordships on the subject. It would be infinitely preferable that such a Bill should be brought forward by the Government, and he did trust it would; and also with regard to the Bill which he had himself introduced last Session respecting Appeals in Criminal Cases, he should certainly renew his attempt to remove such a discredit to the laws of this country, unless it should be taken up in earnest by the law-officers of the Crown. Although the Queen's Speech was silent respecting legal amendments, their Lordships were aware that various measures of that nature were to be brought forward, and he hoped that means would be

speedily taken for the purpose. Much had been done in that department, but much still remained to be done. He took it for granted that at an early period of the Session an Ecclesiastical Courts Bill would be laid on the Table. Their Lordships had passed such a Bill last Session, and the Journals of the other House told them, that after one division there, it was abandoned. The state of the Ecclesiastical Courts imperatively required that as speedily as possible some measure should be brought forward respecting them. The law of Debtor and Creditor, too, was now in a very confused and unsatisfactory state. Various questions had arisen upon it, which could only be settled by legislation, and he trusted that either one or other of his noble and learned Friends who now divided the Woolsack,* would at some short period bring forward some satisfactory measure on the subject, and he would earnestly implore them to do so, because they must be aware that serious inconvenience had already arisen from delays; at the conclusion of a Session their Lordships had bills placed before them which they were obliged to try to understand—a task to which no railway speed would be equal. With respect to the Law of Debtor and Creditor, at the conclusion of last Session, his noble and learned Friend on the edge of the Woolsack (Lord Brougham) differed very materially upon that difficult and important question from several of the judges who had to administer the law. If the question had been brought forward early in the Session, probably those differences would not have arisen, and no such difficulty would have been encountered. There was another Bill introduced by his noble and learned Friend in the centre of the Woolsack, respecting the Conveyance of Real Property. That Bill was brought in early in the Session. It slept month after month, and it was only awakened from that profound repose about ten days before the close of the Session, and several clauses were then introduced which had never been heard of before—of which the profession were utterly ignorant—and by one of which the Legislature tried to do that which was impossible—as impossible as it would be to enact that a square was a circle; for to enact that a “contingent remainder” should be an “executory devise,” was, as was known to all who were acquainted with the mat-

* Lord Brougham was sitting by the Lord Chancellor.

ter, utterly impossible. The statute remained a dead letter. It was considered by the profession as utterly absurd, and the only way to deal with it was to treat it *pro non scripto*. He trusted, therefore, that a measure on the subject would be speedily brought forward by the Government; for it was important that it should be laid early on the Table in order that it might be duly considered, and an early decision come to upon it, in order that they might obtain something like a satisfactory settlement of the law, instead of the confusion and alarm which at present existed.

The *Lord Chancellor* said, he was not about to trespass at any length upon their Lordships' attention; but he rose for the purpose of explaining the course which he intended to pursue with respect to the first Bill mentioned by his noble and learned Friend. Their Lordships were aware that a Bill had been brought forward last Session by a noble and learned Friend of his, in consequence of the absence of another noble and learned Lord, with respect to the jurisdiction in criminal cases. He begged to say, that it was the intention of Her Majesty's Government to introduce during this Session, a Bill of that description, and he begged also to say, that the only ground upon which he objected to the further proceeding in the measure at that time was, that when he considered the history of the Bill, it did appear to him that it was intended to meet a particular case, and to afford relief to a particular individual. It was on that constitutional, and, he might say, legal ground, that he objected to the progress of the Bill. He should be ready to consider any Bill proposed by his noble and learned Friend, and had no objection to his scrutinizing the Bill to be brought forward under the sanction of Her Majesty's Government. With respect to the last Bill, relating to the Transfer of Property, upon which some observations had been made, he must be permitted to say, that the Bill had been on the Table for the consideration of noble Lords for a long time. The first conveyancers in the country had been consulted upon it; printed copies of it had been distributed, and no objections were made to it in its progress. To his noble and learned Friend, who had left the House, he (the *Lord Chancellor*) had stated that the Bill involved a variety of important provisions, and begged of him to have the kindness to go through it, and to point out any of the provisions which appeared doubtful, stating that he

should be ready to strike out any which he thought ought not to be in it. His noble and learned Friend objected to some provisions, and they were struck out, and the Bill passed with those exceptions. He believed he had addressed the same observations to his noble and learned Friend, who had referred to the Bill. As it was a Bill which contained many nice points and refined distinctions, he was anxious that it should have the advantage of all the law learning in the House, and his noble and learned Friend would do him the justice to admit that he had desired him to criticise it, in order that by his assistance it might be rendered as perfect as possible. He admitted that in some particular cases difficulties had arisen. He had now a Bill in preparation for the purpose of removing those anomalies and inconveniences. He should have the pleasure of submitting it to his noble and learned Friend, and in a few days he would lay it before the House. As to the other subject to which his noble and learned Friend referred, if he would prepare any Bill to which he (the *Lord Chancellor*) could with propriety give his support, it should have every consideration that he could give to it, and all the assistance that he could render to its success. He trusted these explanations would be satisfactory to his noble and learned Friends, and even to his noble and learned Friend who had introduced the subject.

Lord Brougham said, that nothing could be more satisfactory than the explanation of his noble and learned Friend. He was accidentally absent from the country when the Bill was introduced. He had been entrusted with the Bill, and he showed it to his noble and learned Friend, who stated his objection to it. He was pleased that he had put it into his noble and learned Friend's hands. He wished to give it every support in his power, but he felt the strength of his noble and learned Friend's objection, and he being as much interested in the Bill as his noble and learned Friend, entirely wished that it should be brought forward by the Government. It was infinitely better that it should be introduced by them than by any other Member of Parliament. With respect to the Law of Debtor and Creditor, after what had fallen from his noble and learned Friend, he would not now go into that subject, but he should be ready to discuss it at the proper time; and he was only anxious to take the present opportunity to vindicate the mea-

sure brought in last year, and to show to their Lordships and to the country—that country to mislead which incessant means were taken—that it was not the fault of the Bill, and that no enactments of that Bill would have prevented those misdecisions, as they appeared to him, which had taken place in some quarters; the great outcry which had arisen was, with respect to the 20*l.* clause; and he was charged with having upset trade by the introduction of it. Now, he was a great friend to the 20*l.* clause; but it was not his clause. It was added in Committee after the examination of evidence; and instead of the Bill as brought in and supported by the Government and himself being answerable for the 20*l.* clause, that was the part of the Bill which was most particularly approved of and supported by the predecessor of his noble Friend—he might name him as he was not present, Lord Cottenham; and that noble Lord's measure went ten thousand times farther than the present, for it abolished imprisonment in all cases and for all sums, whereas this Bill only prevented it under 20*l.* There was, however, one great omission and defect in this Bill. It did not enable a creditor to take hold of salaries. A clerk with 200*l.* a-year might contract a debt to the amount of 19*l.*, and the creditor could not touch his salary; and if he lived in lodgings, he could not take the furniture, because it did not belong to him. A very slight alteration would rid that clause of this defect, and it was the only defect in the Bill. The most blessed, the most happy effects had arisen from the clause, as would appear from the report of Captain Williams, the prison inspector. That report contained a most splendid panegyric upon the clause. It had acted admirably, not only in clearing the gaols of unfortunate debtors, but in no one instance diminishing credit, such as, in a wholesome state of trade, ought to be given to a debtor.

Lord Campbell said, the Bill had been drawn by Mr. Earle, now a Judge of the Common Pleas, at the request of Mr. More O'Ferrall, a Member of the House of Commons; and at the request of Mr. More O'Ferrall, he (Lord Campbell) laid it before their Lordships. He claimed no merit from the Bill; but he must observe, that it did not belong to any Member of that House. He was, however, delighted that it was adopted by the Government.

Lord Brougham said, his noble and

learned Friend must really have lost his sense of hearing—he had lost none of his other senses, but he must have lost his sense of hearing—or his imagination must have grown to such an extraordinary and monstrous size as to overpower his hearing, if he thought that he (Lord Brougham) said he had drawn the Bill. He said that it had been brought to him, and entrusted to his care.

Address agreed to, *Nemine Dissentiente*.

THE ARMY IN SCINDE.] The Lord Chancellor acquainted the House, that he had received from Major-General Sir Charles Napier, G.C.B. the following letter, in return to the Thanks of this House, communicated to him by the Lord Chancellor, in obedience to an Order of this House of the 12th of February, 1844:—

“Kurrachee, 20th May, 1844.

“My Lord,—I have the Honour to acknowledge the Receipt of a Resolution of the House of Lords, dated the 12th February, 1844. The Contents of this Resolution I have communicated to the Troops therein mentioned; and I have the Honour to request that your Lordship will convey to the House of Lords, on behalf of the Officers, Non-commissioned Officers, and Private Soldiers, European and Native, as well as on my own Part, our grateful Thanks for the high Honour which their Lordships have deemed us to be worthy of receiving for our Conduct in the Scinde War.

“I have the honour to be,

My Lords,

Your Lordship's most obedient humble Servt.

“CHARLES J. NAPIER,
Major-General.

“To the Right Honourable
The Lord Chancellor, &c. &c. &c.”

And the same being read, was ordered to lie on the Table, and to be entered on the Journals.

On the Motion of the Duke of Wellington Resolutions were agreed to, re-appointing Lord Shaftesbury as Chairman of Committees, and nominating the other Sessional Officers of the House.

The Earl of Shaftesbury expressed his thanks for his re-appointment to an office which he had already filled for thirty-five years.

House adjourned.

HOUSE OF COMMONS,

Tuesday, February 4, 1845.

MINUTES.] NEW WRIT.—(during Recess) For Dartmouth,
v. Sir John Henry Seale, Bart., dec.
Now Ordered.—For County of Wilts (Southern Division),

v. Hon. Sidney Herbert, Secretary at War.—For Buckingham Borough, v. Right Hon. Sir Thomas Francis Fremantle, Bart., Chief Secretary to the Lord Lieutenant of Ireland.—For Stamford, v. Sir George Clerk, Bart., Master of the Mint.—For Tipperary, v. Hon. Robert Otway Cave, dec.

NEW MEMBERS SWORN.—For Lancaster County (Northern Division), John Talbot Clifton, Esq.—For Dartmouth, Joseph Somes, Esq.

BILLS. *Public.*—1^o. Outlawries.

The House met at two o'clock, and attended Her Majesty pursuant to Message.

The House being returned,

SCINDE.] Mr. *Speaker* acquainted the House, that he had received from Major-General Sir Charles Napier, the following Letter, in return to the Thanks of this House, transmitted by Mr. *Speaker* to the Governor-General in India, and communicated by his Lordship to Sir Charles Napier, in obedience to the Commands of this House of the 12th day of February, 1844:—

“*Kurachee, 20th May, 1844.*

“Sir,—I have received, through the medium of the Governor-General of India, the Resolution of the House of Commons, dated the 12th day of February, 1844; which Resolution I have made known to the Troops therein mentioned.

“I have the honour to request, Sir, that you will, in the name of the officers, Non-commissioned Officers, and Private Soldiers, both European and Native, and also in my own name, convey to the House of Commons our most grateful thanks for the high honour that has been conferred upon us by the House.

“I have the honour to be, Sir,

Your most obedient, humble servant,

“CHARLES J. NAPIER,
Major-General.

“The Right Honourable
The Speaker of the House of
Commons, &c. &c.”

ADDRESS IN ANSWER TO HER MAJESTY'S SPEECH.] Mr. *Speaker* reported Her Majesty's Speech, and having read it to the House,

Mr. *Charteris* rose and said: I rise, Sir, to move that an humble Address be presented to Her Majesty, in answer to the Gracious Speech from the Throne, and in so doing, I trust that nothing may fall from my lips calculated to excite amongst us a spirit of party, or in any way to disturb that cordial unanimity which is so desirable on an occasion like the present; at the same time, I ask of the House that kind indulgence which it never denies to those who, for the first time, trespass on its attention. The first subject alluded to in

Her Majesty's Speech is the gratifying fact of the general prosperity of the country. The existence of that prosperity is a matter of fact within the cognizance of us all, and I think I may fairly assert that the gratification arising from it may be enhanced by the firm assurance that it results from no false stimulus or sudden re-action, but is caused by the steady and gradual improvement which has taken place in every branch of trade. From the extension of our commerce at home and abroad, our manufacturers meet with a large and ready demand, thereby affording general employment to the willing industry of our manufacturing population. But, Sir, in the midst of this general prosperity, I regret to say that in many agricultural districts, more especially in those with which I am connected, there exists very great distress caused by drought and the general failure of the crops. I know that these causes are beyond the control of Government, but I think it right that the House should understand that the gratification arising from this general prosperity is not without alloy. When we consider how greatly this prosperity depends upon the continuance of peace, I feel confident that I shall be expressing the sentiments of all whom I now address when I propose heartily to congratulate Her Majesty on the present friendly state of our foreign relations, and to express a hope that they may be preserved on a firm and stable footing. I think we may draw some favourable augury of the continuance of these friendly relations from the fact that three of the Sovereigns of Europe have within the last few months been the guests of Her Majesty. This freedom of intercourse between the Sovereigns of Europe is a sign that we have reached the commencement of a happy epoch in the history of the civilized world, when a thirty years' peace having brought prosperity in its train, has taught the nations of Europe how solid are its blessings when weighed in the balance with the empty glories and costly triumphs of war. The time I believe to be not far distant when, by means of that great mechanical power of the age, that main element of civilization, steam, the most distant portions of Europe will be connected together, the capital of one country will be embarked in the public works of another, community of interest and of feeling will then arise to the extinction of natural jealousies, and render the calamity of war as rare as it is fearful. The visit of the Emperor of Russia, the haste, and absence of all ceremony

which characterized it, are sufficient proofs, if such indeed were wanted, of the affectionate and friendly feelings he entertains towards our Queen and country, and the hearty cheers with which he was everywhere welcomed, must have shown to him and his subjects how cordially those feelings were responded to by every Englishman. But, Sir, the visit of His Majesty the King of the French was, if possible, of still greater importance, for, occurring as it did after the unhappy differences which had arisen between the two countries, and which threatened for a time to disturb our amicable relations, it was especially welcome as a sign that those differences had been adjusted, and as a pledge of renewed amity. This late misunderstanding may, and I hope will, serve as a lesson of mutual forbearance to France and England; for had their respective Ministers given way to popular clamour, when the tide of hostile feeling ran so high—had they listened to the angry suggestions of those whose feelings were excited by unfortunate occurrences, instead of now enjoying the blessings of peace, we might be plunged in all the horrors of war; and for what? Why, now that the storm has blown over, we hear the French Minister bearing testimony to the sincerity, wisdom, and moderation of England, whilst the British Minister acknowledges the candour and forbearance of France. The House will, I am sure, readily assent to the addition to the Navy Estimates when it considers that that addition is caused by the increase of steam navigation, and by the extension of our commercial relations. It is with unfeigned pleasure that I call the attention of the House to that portion of Her Majesty's Speech which refers to the improved state and brightening prospects of Ireland. A spirit of enterprise has been newly awakened, owing to which private capital to a large amount has been embarked in undertakings for the general improvement of the country, as well as for the formation of railways, by means of which its natural capabilities will be made available, its resources opened up, and its various and distant parts placed in ready communication with England as well as each other. It is by thus giving legitimate occupation to the energies of that noble people, and by exciting a spirit of industrious enterprise, that we may hope to put an end to that tendency to agitation from which the country has so long suffered. We may indeed hope that a brighter day has dawned on Ireland, and that by a course of just,

wise, and conciliatory measures, not extorted by fear, but conceded in justice, she may soon become, blest as she is with every natural advantage, united, prosperous and contented. Of these measures, I would fain believe the Charitable Bequests Bill to have been the first instalment, and I look upon the proposed measure of Academic Education as a measure conceived in the same spirit. When it is brought under the consideration of Parliament, I feel confident that it will meet with that warm and general support which its justice and sound policy alike demand; for it is by affording the people of Ireland, without distinction of religious sect, every facility of obtaining a liberal education, that we may hope to remove the lingering remnants of national prejudice, and to unite all in promoting the true interests of their country. There is another subject of the gravest interest and full of difficulty connected with Ireland, which has occupied the attention of Her Majesty's Government. No one will, I think, deny them credit for having boldly grappled with the system of land tenure in Ireland, which lies at the root of the social anomalies of that country; and I hope that the Report of the Commission, which we are told is shortly to be laid before Parliament, may enable us to devise some means of dealing with so difficult a subject. To the equally important question of the Income-tax, which is adverted to at the close of Her Majesty's Speech, it would be unbecoming in me to do more than to allude, as the whole financial policy of Government will, without delay, be brought before the House; but at the same I think I may express the satisfaction which we must all feel at the flourishing condition of the revenue, more especially when we consider the great increase under the head of Excise, thereby indicating a corresponding improvement in the condition of the people. The Bank of England Charter having been revised during the last Session, the banking establishments of Ireland and Scotland ought naturally to undergo a like revision; but though in ignorance of the intentions of Her Majesty's Government on this point, as a Scotchman I may, perhaps, express a hope that, in placing the banking establishment of Scotland on what it considers a sound footing, it will interfere as little as possible with the existing currency, to which the whole nation is so firmly attached. The Scotch 1*l.* notes are such dirty things, that if I were the right hon. Ba-

ronet I would not touch them. Another point of the greatest consequence will be brought under our consideration by the Report of the Commission on the Health of Towns. The state of the dwellings, and general condition of the poor, are subjects of the deepest interest, which cry loudly for the interference of the Legislature, whenever that interference is practicable or politic. But I must likewise glance at what I consider a most cheering and healthy symptom in our body politic—I mean that general sympathy and solicitude for the welfare of the poor which has of late been everywhere exhibited by the upper and middle classes. At no former period has the condition of the great body of the people excited so deep, so real an interest in the public mind. Never have so many plans been discussed for the improvement of their moral and physical condition. Whatever our individual opinions may be as to the wisdom and practicability of this or that plan, we must all anticipate benefit from that spirit of practical benevolence of which the workings are everywhere visible; whether we trace it in societies formed for carrying out the system of allotments for improving the dwellings of the poor, in subscriptions set on foot for public baths, for the formation of parks, or in speeches, in pamphlets, and the daily prints. Encouraged by these cheering symptoms, I look with confidence to the future; for though it is out of the power of an Act of Parliament at once to cure our social evils—though no Government can insure to willing labour “a fair day’s wages for a fair day’s work,” yet much may be done by individual exertion, by each in his own sphere attending to the well-being of those with whom he is immediately connected, whether as landlord, tenant, manufacturer, or tradesman. Having thus endeavoured briefly to advert to the topics contained in Her Majesty’s Speech, it now only remains for me to thank the House for the kind indulgence it has extended towards me, and I earnestly pray that Providence may guide our councils, and direct our efforts to promote the best interests of this great Kingdom, as well as the happiness and welfare of every class of Her Majesty’s subjects. The hon. Member then moved that an Address be presented to Her Majesty as follows:—

That an humble Address be presented to Her Majesty, to express to Her Majesty our

humble Thanks for Her Majesty’s most Gracious Speech from the Throne :

That we learn with the greatest pleasure from Her Majesty the improved condition of the Country, that increased activity pervades almost every branch of Manufacture, that Trade and Commerce have been extended at home and abroad, and that amongst all classes of Her Majesty’s subjects there is generally prevalent a spirit of loyalty and cheerful obedience to the Law :

That we rejoice to learn that Her Majesty continues to receive from all Princes and States assurances of a friendly disposition :

That we participate in the satisfaction expressed by Her Majesty, in having received at Her Court the Sovereigns who, in the course of the last year, visited this Country :

That we concur with Her Majesty in considering that the Journey of the Emperor of Russia, undertaken at a great sacrifice of private convenience, was a proof of the friendship of his Imperial Majesty, which must have been most acceptable to Her Majesty’s feelings :

That, in common with Her Majesty, we hope that the opportunity of personal intercourse thus afforded to Her Majesty may be the means of still further improving those amicable relations which have long subsisted between Great Britain and Russia :

That we participate in the feelings which Her Majesty has been graciously pleased to express in respect to the visit of the King of the French, which was rendered especially welcome, inasmuch as it had been preceded by discussions which might have impaired the good understanding happily established between the two Countries :

That we humbly concur with Her Majesty in regarding the maintenance of this good understanding as essential to the best interests of both; and we rejoice in the reflection that the sentiments of all classes of Her Majesty’s subjects, on the occasion of His Majesty’s visit, were entirely in unison with those of Her Majesty :

To thank Her Majesty for the information that the Estimates for the ensuing year have been prepared, and that they will be forthwith laid before us :

To express our acknowledgments to Her Majesty, for informing us that the progress of Steam Navigation, and the demands for pro-

tection to the extended Commerce of the Country, will occasion an increase in the Estimates connected with the Naval Service :

That we learn with the greatest pleasure from Her Majesty that the improvement which is manifest in other parts of the Country has extended to Ireland ; that the political agitation and excitement which Her Majesty has had heretofore occasion to lament appear to have gradually abated ; and that, as a natural result, private capital has been more freely applied to useful public enterprizes, undertaken through the friendly co-operation of individuals interested in the welfare of Ireland :

To thank Her Majesty for informing us that Her Majesty has carried into effect, in the spirit in which it was conceived, the Act for the more effectual application of Charitable Donations and Bequests :

To assure Her Majesty that we shall be prepared to take into our consideration the policy of improving and extending the opportunities for Academical Education in Ireland :

To thank Her Majesty for acquainting us that the Report of the Commissioners appointed to inquire into the Law and Practice with respect to the Occupation of Land is nearly prepared, and will be communicated to us immediately after its presentation :

To assure Her Majesty, that we shall be prepared to direct our attention to the state of the Law in regard to the privileges of the Bank of Ireland, and to other Banking Establishments in that Country and in Scotland :

To thank Her Majesty, for informing us that the health of the inhabitants of large towns and populous districts in this part of the United Kingdom has been the subject of recent inquiry before a Commission, and that their Report will be immediately laid before us :

To express our acknowledgments to Her Majesty, for Her Majesty's gracious intimation that it would be highly gratifying to Her Majesty, if the information and suggestions contained in that Report shall enable us to devise the means of promoting the health and comfort of the poorer classes of Her Majesty's subjects.

Humbly to thank Her Majesty, for informing us of the success of the measures which, three years since, were adopted by Parliament for the purpose of supplying the deficiency in the

Public Revenue, and arresting the accumulation of Debt in time of Peace :

To thank Her Majesty, for calling our attention to the circumstance, that the Act which was passed at that time for imposing a Tax upon Income will shortly expire :

To assure Her Majesty, that we shall be ready to consider whether it may not be expedient to continue its operation for a further period ; and thus to obtain the means of adequately providing for the Public Service, and at the same time of making a reduction in other taxation :

That, whatever may be the result of our deliberations in this respect, Her Majesty may rely that it will be our determination to maintain an amount of Revenue amply sufficient to meet the necessary expenditure of the Country, and firmly to uphold that public credit which is indispensable to the national welfare :

That we entirely participate in the opinion expressed by Her Majesty, that the prospect of continued Peace, and the general state of domestic prosperity and tranquillity, afford a favourable opportunity for the consideration of the important matters to which Her Majesty has directed our attention ; and we unite with Her Majesty in the earnest prayer that we may be enabled, under the superintending care and protection of Divine Providence, to strengthen the feelings of mutual confidence and good will between different classes of Her Majesty's subjects, and to improve the condition of Her Majesty's people.

Mr. *T. Baring* said, that in seconding the Motion of his hon. Friend, he thought he should best consult the convenience of the House, and show his gratitude for the honour conferred on him in being selected to second the Address, by confining himself to a very few remarks beyond the customary one, that he fully coincided in all that had fallen from his hon. Friend ; and by stating that in the few observations he had to make he would endeavour to avoid all allusion to those topics which would be likely to create unnecessary discussion, or interrupt that good feeling which seemed to pervade the House with respect to the Address. He trusted that this would be a sufficient explanation of his presumption in occupying the position in which he then stood. He hoped he might be permitted to express his conviction that the circumstances of the

country at present were such as fully to warrant the expressions contained in the Address. It was the consideration of these prosperous circumstances which made him proud of having imposed upon him his present most agreeable task. There were times when the Sovereign of this country met the Parliament under other and far less auspicious circumstances—when the Executive had to call upon the Legislature for increased powers to vindicate the supremacy of the law—when the Parliament was also called upon to meet pressing financial difficulties. No such difficulties exist at present; but, if they did, he had no doubt that the appeal from the Throne would be responded to now with the same sentiments of devotion and loyal attachment which had marked those of less auspicious times. Fortunately, we had no such difficulties now, and he felt happy in congratulating the House on the fact, that the commencement of the present year was marked by a state of prosperity in the country, in all its relations, political, commercial and financial, which had not been known for many years. He was not about to follow his hon. Friend through all the topics to which he had alluded; he might, however, be allowed to make a few observations on those points which, from the nature of his occupation, were, in his opinion, of paramount importance, and which, he thought, ought to convey a favourable impression of our present situation. In doing so it was unnecessary to remind the House that no one was responsible for the opinions he expressed but himself. He pronounced no prospective decision on the measures which might be submitted to the House. With the feelings of general approbation he entertained of the policy of the Government, and entire concurrence in the sentiments contained in the Address, he reserved to himself full power to canvass the merits of the measures which hereafter might be submitted to the House. The first great subject of congratulation, and to a commercial country one of the first importance, as well as to the progress of civilization and freedom throughout the world, was the continuance of peace; and the recent visits of powerful Sovereigns to this country, however gratifying and flattering to the national feeling, were not to be regarded as a mere interchange of courtesies and idle civilities, nor the means of promoting, although that undoubtedly was a great advantage, mutual knowledge and esteem between sovereigns; but these

visits were a proof of the importance which those Sovereigns themselves attached to friendly relations with this country; they were a proof that those Sovereigns represented the true wants and wishes of their subjects in expressing a desire for the continuance of friendly relations, and they afforded likewise to the people of this country the opportunity of manifesting their desire for peace; while in the expressions of those Sovereigns of a desire for the continuance of friendly relations, looking to the influence of those Sovereigns themselves and to the power of the nations over which they ruled, there was an additional pledge for the maintenance of peace. He was sure the Emperor of Russia must have appreciated the feelings with which he had been received, and seen the desire that existed to bind the two countries in closer connexion; and happy should he be if feeling, as he must, that there was no stronger bond of peace than the mutual interest of the two countries, the Emperor of Russia should be disposed to remove or modify some of those restrictions which now interfered so much with the importation of our produce into that country—a measure which he believed would not only increase the friendly feeling between the two countries, but augment the receipts of his own revenue, and of which the only injury would be to the productiveness of the contraband trade. The visit of the King of the French was a matter of special congratulation. Looking to the anxious discussions which had taken place between the two Governments, that visit was a proof that the anxiety which had been felt had been relieved. The hostilities with Morocco had terminated in treaties which consulted not only the true policy of France, but paid due regard to the position of Europe and the feelings of other Powers. The question of Tahiti had been worn threadbare in the French Chambers, and he could only regret that in discussing it there an attempt had been made, he hoped an unsuccessful one, to infuse into the question a fresh spirit of bitterness and national jealousy. It seemed to him that in public, as in private matters, when an agent exceeded instructions given to him, and by the abuse of his instructions inflicted injury on a third party, it was only just, natural, and equitable that the principal should disapprove of the proceedings of his agent, and indemnify the party aggrieved. That was what, he believed, France had done; it could do no less with proper regard to

its own principles of justice and equity; and so much a due regard to the protection of our subjects in distant countries must have bound the English Government to insist upon. Such had been the result of those difficulties which sometimes occurred when the subjects of two nations were brought into contact at a great distance from the seat of Government; but they might always expect when matters were discussed with a friendly feeling, and a due regard to the interests as well as honour of each, that the termination would be peaceful. Neither party could be charged with having been actuated by feelings of servility or fear, but only by a due sense of what the dignity, the honour, the safety and greatness of the country required. He trusted that all differences and all sources of bitterness were now removed on this question; for he believed they should all agree in the expressions of a distinguished man, lately uttered in the Chamber of Peers in Paris,—

“That as peace between England and France is a guarantee for the peace of the whole world, though for it neither should sacrifice her honour or essential interests, yet for it both should sacrifice every thing else.”

Although nothing could be more important than the maintenance of peace with France, he believed a good understanding with that country was perfectly compatible with a good understanding with every other; and as we had no special alliance with France which excluded other Powers, so the advantage of being on friendly terms with France in no degree prejudiced us in the maintenance of the most satisfactory terms with the other Governments of Europe. There was one great country beyond the Atlantic, with which he hoped we should always continue on terms of the greatest friendship. He was not afraid to say that his private interests coincided with his public duties; and he was proud to add that the respect and friendship he had for a great many citizens of the United States, confirmed that wish. He believed that his private feelings were in concurrence and harmony with the interests of both countries, and that the advantage of the world would best be maintained by peace between this country and the United States. Although occasionally a bitter newspaper paragraph might appear on both sides, although a hostile speech or violent resolution might be passed at some meetings, although a despatch might proceed from a Secretary of State apparently

breathing no friendly feeling towards this country, he yet trusted nothing would occur to check or disturb the disposition to peace that existed, founded on the good sense of the great mass of the people, and the growing feeling that nothing could be more desirable than a closer connexion between the two countries and a continuance of friendly relations. There was one cause of difficulty in the relations between the United States and France and this country; but it arose from what was essential to the progress of good government—he meant the publicity of Parliamentary discussion and the freedom of the public press, which no one would wish to see lessened; but occasionally a violent publication or speech might produce renewed irritation. He looked, however, to the good feelings of the people and to their common interests, as a guarantee for the permanent duration of peace; for whilst, undoubtedly, a generation had arisen which had not experienced the horrors of warfare, or witnessed its disasters, yet at the same time classes of men were rising up whose prosperity, whose comforts, whose employments, and whose interests were identified with peace, and he regarded these classes in all countries as gaining more and more influence every day. Here was an additional link in the chain which should bind the whole world in relations of amity. But, notwithstanding all these guarantees of peace, we had lessons to prepare for war; and if the case were proved that our naval establishments were insufficient to protect our increasing commerce, or if the progress of steam navigation rendered it necessary to increase our naval power in proportion to that of other Governments, he was sure the unanimous feeling of the House would be to vote the necessary supplies. Looking to our national wealth, our public credit, and the buoyancy of its resources, tried by late years of difficulty, perhaps this country never was in a more imposing attitude to support its interests or assert its dignity. Turning to the internal condition of this country, there was, undoubtedly, great cause for congratulation. At the commencement of last Session of Parliament, although a great improvement had occurred in many branches of labour in our manufacturing districts, there were two great interests still suffering—the iron manufacture and the shipping interest. There was then a slight improvement in the iron manufacture, but the coming tide

of prosperity had not reached that interest as fully as it had others. He was happy to say that it had now reached the iron manufacture. The mines were in complete operation; the population connected with the iron manufactures were in full work at good wages; the price of iron had improved some 30 or 40 per cent.; the exports of iron had also greatly increased; but the great improvement had been in the home consumption, partly, no doubt, from the application of iron to purposes for which it was not previously used, partly from the great demand for iron in railroad undertakings, but in a great measure arising from the increased consumption of iron for ordinary purposes, which was a legitimate test of an improved condition of the country. The shipping interest had last year been in a very unsatisfactory state, but he was happy to say there had been a very general improvement within the last half year. Ships were now more saleable and at better prices; freights had improved, some of them of a character unknown before. The importation of guano had given employment to a large amount of shipping; and in all the ramifications of national industry, it was a source of satisfaction to them that while the application of science tended to promote the fertility of the soil, at the same time it reanimated the not less important, though dormant branch of our national greatness—our mercantile navy. Well, those two branches of trade, which had been in a depressed state, had now revived, while others, which had undergone some amelioration, continued to show fresh signs of prosperity. He would not trouble the House with any array of figures; but, looking to the cotton manufacture, it might easily be shown that that interest was never in a more thriving state. The deliveries for home consumption of raw material were larger last than in any preceding year; the price of the raw material had diminished, the profits of the manufacturers and the rate of wages had increased. At no former period in the cotton trade had the balance applicable to profits and wages been greater than at present. Hence the application of capital in new mills, in the employment of old premises, in adding to mills, and in the creation of fresh machinery, had been greater last year than formerly. The woollen trade, also, was in an improved condition; and this indicated, perhaps more than the cotton trade, the improved condition of the people at large. A greater portion of the woollen manufacture was retained

for home consumption, and the poor man, when in a condition of distress, bought cotton, the cheaper though not the most comfortable article, rather than the dearer but more comfortable one. The import of wool for the purpose of manufacture had increased 20 per cent., contributing much to the increased activity of the trade, while it had not affected British or colonial produce, the price of both having risen last year. If they looked to other manufactures, of flax and hemp, they were all in an equally favourable condition; and although it was difficult to form an estimate as to what was applicable entirely for home consumption, the condition of those interests went far to show an improvement in the condition of the people at large. But, when they saw such activity in manufactures at home, the question naturally suggested itself, had our trade with foreign countries, had our exports justified that activity, or had there been any over-production? In articles the produce of British industry principally exported from this to other countries, with the exception of two items, coal and cotton twist, there had been a considerable increase. With regard to coal, the deficiency could, though not satisfactorily yet easily, be explained by the strike of the workmen; and with regard to cotton twist, in the export of which there had been a deficiency of 20,000,000 lbs., it had arisen not from any indisposition of foreign purchasers to take our twist and yarn, but because the spinning power could not produce enough both for home and foreign demand, while the home manufacturer had proved the better purchaser. The export of cotton manufactures, particularly to China, had, in the aggregate, very much increased. But, beyond this, they must look for an index of the improved condition of the people to the consumption of those articles which were considered the necessaries of life. From the changes which had gradually taken place, he believed the Customs afforded a better test of the power of expenditure than the Excise. Taking tea, coffee and sugar, then, in preference to malt and spirits, though these latter shared an increase in the revenue, there had been an increase in the consumption, affording satisfactory proof of an improvement in the condition of the people; and although the returns of the savings-banks by themselves were liable to some exception and doubt as a proof of prosperity, yet taken collectively with other proofs, a great increase in the deposits,

and a diminution in the withdrawals, indicated a very great improvement in the condition of the people. Of this, too, the great increase in the receipts on all the railways afforded additional evidence, showing either a vast increase in the amount of business-traffic, or a greater power of expenditure for recreation and amusement. Was this likely to be a permanent state of prosperity? Last year it was said the improvement which had then taken place would be of but short duration; but such was not his opinion. Looking to the moderate price of the raw material, looking to the fact that no foreign market was glutted, while the home market was not overstocked with our goods, there had been abundant activity, which in our manufactures was a great element of prosperity; but they could not say there had been any exaggerated spirit of speculation. The late banking regulations, he thought, had had the effect of putting a salutary check on the spirit of speculation, and that spirit had been absorbed by the railway speculation. Considering the employment afforded by railways to our mineral wealth, and to those engaged in the working of the mines, opening as they did new sources of comfort to the people by allowing easy transport of labour to those whose labour was capital, and great saving of time to those whose time was capital—considering also the important facilities supplied by them in the conveyance of coal and other necessities, he was ready to admit that it would be unwise and improper to tamper with them; yet, when he looked at the great excitement which prevailed, and the exaggerated calculations made on the result of some of those railways, he could not help thinking that from them might result some difficulty and some danger. The result might be heavy loss, not perhaps in a national point of view, because it would be a transfer of property from one to another, but it would affect the credit of individuals, and by affecting the credit, derange the industry of the country. The great difficulties by which a country was beset whose enterprise and machinery had reached the maximum of demand, was that the producer might by a diminution of consumption be involved in distress; but for that state of things the only remedy was prudence on the part of the manufacturer, and foresight and saving on the part of the people. The great prosperity of the country had undoubtedly acted on the state of our finances, which also called for the congratulation of the House. Looking to

the satisfactory state of the revenue, contrasted with what it was two years ago, it was impossible not to see that this beneficial change of circumstances had originated in a great measure in the adoption of the Income-tax. He did not mean to discuss the question whether it were the most eligible tax, but he was quite sure it had attained the great object for which it was established. With respect to the altered state of the finances, it might be permitted to him to refer to the depression that existed in the year 1842, when there was an excess of expenditure over the income of 2,149,000*l.* whilst the public accounts made up to the 5th of January, 1845, showed a surplus of about 3,350,000*l.* above the expenditure. In the amount of advances made to the Government to meet the dividends, there was likewise observable a very great difference between the two periods to which he had referred; the sum so advanced by the Bank of England in 1842 being 6,354,000*l.*, whilst in January, 1845, it was only 905,000*l.* At the same time he must admit, that it would be unfair to say that all the difference between the two sums he had cited, was to be attributed to the increased financial prosperity of the nation. Some of it must be ascribed to the change that had recently been instituted in the time of paying the quarterly dividends. But he might very justly assert that the advances required by the Government from the Bank of England for this purpose were in round numbers only one-third at present the amount which they were in 1842. The same causes to which he had already referred, had occasioned a corresponding advance in the value of the public securities, which responded to the general prosperity. In the year 1842 the Three per Cents. were at 89; at present they were at par. In the floating securities, or the unfunded debt, the premium was 20*s.*, or 1 per cent., in 1842, when Exchequer Bills gave 2*d.* per day interest; whereas at the present time it was 3 per cent. premium when 1½*d.* interest only was paid. The result of the improvements in the value of the public securities of the kingdom was eventually to economise the resources of the country by enabling the Government to reduce the interest of the debt, which had effected a saving of 625,000*l.* annually. That circumstance alone afforded a legitimate ground for triumph to public credit. That circumstance likewise showed the soundness of the policy which had been pursued, and at the same time that result

was distinctly referrible to the course which was adopted of candidly and promptly acknowledging the necessity for meeting the deficiency in the income; and whilst he congratulated the House, the country, and the Government upon the success which had attended these financial operations, he hoped they would have the effect of proving to other countries that, however difficult the task, and however onerous the burden, of meeting just debts by self-imposed taxation, honesty was in the end certain to prove, not only the best, but the wisest and most economical policy, which was the surest to obtain success. He would only add, whilst he was upon this topic, that although the other sources of revenue had proved of late highly productive, and in an increasing ratio of production, still if it was proposed on that account to reduce the whole amount of the income-tax, he feared the result would be to place the country in a state of anxiety and apprehension. It was not for him to anticipate the course which the House would adopt with respect to this important branch of their legislative duties, but it did appear to him, that if on the grounds of increased revenue in the branches alluded to, they were to be called upon to relieve the country in the shape of a reduction of one of the principal taxes from which the revenue was derived, the operation would not, in his humble opinion, succeed, because the increased income from the articles of consumption depended upon sources of taxation liable to be affected by causes over which neither the House nor the Government possessed the slightest control. Looking, therefore, to the safety of the country, and to the maintenance of her credit and financial stability, on which that credit depended; and believing moreover, as he did, that whatever amount of relief might be experienced generally by having recourse to an extensive reduction in the amount of taxation, it would be as unwise on the part of the nation to rely upon one year of great prosperity, as it would be for an individual to regulate his expenditure by one year's fortunate exertions in trade,—he considered, he repeated, that it would be exceedingly unwise and impolitic to make a too important reduction in the income from which the present financial prosperity of the empire was derived. He hoped the House would henceforward always consider it an essential element of prosperity to provide a sufficient surplus of income over the expenditure. He saw

much ground for entertaining a feeling of satisfaction with respect to the past, and of confidence as to the future; and he must be permitted to say, that in seconding the Address of the hon. Member who sat next him, he should have felt much less satisfaction, and a far greater degree of anxiety for the future, if he had thought that the House would jeopardize the security of the country, and injure private as well as the public confidence, in converting the present surplus revenue into a possible deficiency, either by unnecessary expense or injudicious liberality. He had only to thank the House for the attention with which he had been listened to, and to apologize for having taken up so much of their time. The hon. Gentleman concluded by seconding the Address.

The Address having been read from the Chair,

Lord *J. Russell* then said: In the terms of the Address proposed by the hon. Gentlemen, I readily concur. Scarcely has an observation fallen from those hon. Gentlemen, in their able statements, with which I should feel occasion to find fault or express any serious difference. At the same time there are topics in the Speech of Her Majesty, in answer to which the Address is moved, which I think do call for remark from Members of this House not connected with Her Majesty's Government. The first topic in the Speech to which the hon. Gentleman has alluded, is the gratifying fact that three foreign Sovereigns paid visits to our Sovereign in the course of the last summer. That these visits should lead to more amicable relations, and a more intimate connexion with those Sovereigns alluded to, as well as to the maintenance of the peace of the world, must be the anxious wish of all parties in this country. I cannot, perhaps, hold, with the younger and more ardent spirit of the Gentleman who moved the Address, that the extension of commerce, mechanical inventions, and social intercourse, may speedily put an entire end to the prospects of war, and the calamities that follow it; and I cannot think that Her Majesty's Government either hold that expectation in so strong a manner as the hon. Gentleman does—in a manner certainly which is more becoming his age than it becomes mine; for I perceive that at the same time that the Government express, in the name of Her Majesty, their hopes of peace, they are taking precautions by which, in the event of war, the honour and interests of this country

may be satisfactorily upheld. But, Sir, although we may not indulge very sanguinely in those expectations, yet it is impossible not to acknowledge, and I do so with cheerfulness, that our present prospect of peace is not clouded by those appearances which last year put the confidence of the country to the trial. When the hon. Gentleman says that we must all rejoice in the termination of those discussions which threatened at one time, to disturb the amicable relations between this country and neighbouring states, I fully agree in that congratulation. I am happy, too, to congratulate this House and the country that those amicable relations were not disturbed. I can see no reason in the circumstances of the world for the permanent interruption of those relations, still less for rushing blindfold into the dangers and calamities of war. But, Sir, when I say that I rejoice that such was the termination, I own that I cannot participate in those phrases which Her Majesty's Ministers have not indeed employed in this Speech or Address, but which they thought proper to use at the conclusion of the last Session. They then thought it right to advise Her Majesty to praise the moderation and wisdom with which they had conducted those negotiations. Now, there has been nothing, at least I have seen nothing which has induced me to think that there was anything so remarkable, so worthy of that praise with the love of which they seemed so overpowered, that they could not help giving it vent themselves, and applying it to their own conduct. I see no ground for that excessive admiration of their wisdom and moderation, neither do I think that wisdom was very apparent on the face of these transactions in the conduct of the Government of France. What was the case? A person who acted as Consul in the island of Tahiti, was suspected by the French commander of encouraging the revolt and insurrection of the natives of that country. He was immediately put under arrest; he was condemned for the time to solitary confinement, and it was proclaimed that if an insurrection should take place, that gentleman should be responsible for any bloodshed that might occur. Another commander arrived, a superior commander, who thought there was no sufficient ground for the severity that had been practised, for the gross outrage, I think the right hon. Baronet called it, that had taken place; but he thought it was not consistent with the

safety of the French troops and the French inhabitants, that Mr. Pritchard should remain in the island, and gave orders that he should be conveyed to a distance. Now, I own, there appears to me a very clear distinction between the transactions that took place previously, and the latter part of this case. That a person in command of a foreign station, having the lives of the troops under him placed in his responsible care, bound likewise to keep his position in the state in which he held, requisite for the interests of the country he served, that he should desire the removal of a foreign resident whom he conceived to be instrumental in some way, whether actively and by his own desire, or by the influence he was supposed to exercise, in exciting the insurrection, that he should have the wish to remove that person, is, I think, fair and legitimate, and which I should not wish to see the Law of Nations positively condemn. Every case must rest on its own merits; and I think it is impossible not to admit that a person in the situation in which Commander Bruat was placed in that island was justified in removing the person who was the main source of his apprehension. But, on the other hand, to put that person into solitary confinement, to declare that his life should answer for any insurrection that took place, that was, as the right hon. Gentleman stated, a gross outrage, and one that obviously demanded fit reparation. Now, if I have at all stated the case correctly, it seems to me, that two cabinets which were on the most friendly terms, which had a cordial understanding with one another, according to the terms used by His Majesty the King of the French, need have had little difficulty in arranging the matter, which of itself did not seriously involve the interests of the two Governments, and still less of the two countries. But what was the fact? Was the embarrassment immediately arranged? On the contrary, was there not for four weeks the greatest apprehension that that arrangement would not take place, and that even war might ensue from this most trivial circumstance. Now, I cannot understand, in the first place, why this Government should ask anything more than was a moderate and fair reparation; and, on the other hand, I as little understand why the French Government should not at once have said, what is necessary to our interest and for the safety of the French garrison at Tahiti we will claim; the unnecessary outrage we disclaim, and we will

give you a reasonable reparation. I cannot see why they should have been reluctant to do this, and it surely would have been far better than to go on for two months keeping the two countries in alarm. Of course, I do not wish to allude to debates in the Chamber of Deputies; I think it would be a very inconvenient practice to refer to them, nor would it tend to the harmony of the two countries if we entered into such discussions. But there has been published a correspondence, which everybody must have read in the newspapers, and which I suppose is the actual correspondence of Count Jarnac, the Secretary of Embassy, with M. Guizot, the Minister of Foreign Affairs in France; and in that it appears that Government, in the first place, was disposed to make demands on which they did not afterwards insist; and, at the same time, the French Government refused at first to enter into any discussion of the matter. They said there was great excitement on the subject, and that though there was reason for reparation for the outrage which caused the excitement, they would not enter into the discussion. I confess I do not see either the wisdom or moderation of the Government in the course they took. It appears to me that, particularly with respect to those questions which involve considerations of public honour, while you should make your demands for reparation as moderate as you can, you should likewise take care not to make any demand from which you might afterwards shrink. It may be very well when nations have been at war, and they are discussing questions as to how many islands or miles of territory they shall retain, that one should make demands greater than it intends afterwards to insist upon, and that it should when pushed make certain abatements. You may put up with a less extent of dominion than you at first sight asked for without any shame of receding. But in a case like that of which I have been speaking, the course which regard to our own dignity points out is, that we should not make any demand that is unreasonable, but having made a reasonable demand should adhere firmly to it. With respect to this negotiation, it does not appear to have been conducted in the manner in which a negotiation of that kind ought to have been conducted between the two Governments, but especially two that were continually boasting of a cordial understanding, and of being different from any other Governments of England and France, and of having found

the secret of a perpetual harmony which nothing could disturb. On the contrary, I must say, that those papers we have already seen make me disposed to think there was really no such good understanding as there ought to have been. There was neither that ready acquiescence in what was reasonable on the one side, nor that readiness to afford satisfaction on the other, which ought to have been found. In fact, the two Governments seem to have been a great deal too much driven by the press on the one side and the other in the course of these negotiations. We have heard denunciations with respect to the press of this country from the right hon. Gentleman opposite; but really some of the articles which appeared in the Ministerial journal at that time, were in a tone of bluster and insolence towards the French nation, which made me perfectly ashamed that any English paper should have made use of such language. But I trust that now the two nations will maintain peace; I trust there will be such a feeling of the national interest, of the national safety—a feeling that it is for great objects, for the good of both, and for the advantage and peace of the world that they are united—as will not suffer any subject like the misconduct of an officer at some thousand miles distance to disturb the good feeling that should exist between them. I trust that we may see that harmony maintained for great purposes, consonant to the interests of the two countries. And when I see it boasted that the engagements existing between the two countries, the cordial understanding between France and England, has produced the present state of Spain; I own I do not think that it is a result which any Minister, either in England or France, ought to boast of, as flowing from the union of two of the greatest, of the most free and enlightened nations of the world. While I trust, therefore, that that good understanding will not only continue, but will ripen into still greater friendship, I trust that the influence of the two Governments, wherever that influence is exerted, will be used for the promotion of commerce, for the increase of freedom, for the general diffusion of intelligence, for the destruction of slavery, and not for the repression of the freedom which nations have hitherto enjoyed, and the substitution of a tyrannical sway for mild and constitutional Government. Sir, there is a subject not touched upon in the Speech, but upon which I suppose we shall have some ex-

planation from the right hon. Gentleman opposite, for I confess I am not satisfied with what I have hitherto heard on the subject—I mean the appointment of Commissioners to revise the Treaties of 1831 and 1833 respecting the Slave Trade. It does not appear to me that there was any necessity for the revision of those Treaties; but if the Government thought that the Right of Search disturbed the friendship of the two nations, that it was a serious obstacle to the maintenance of that harmony they wished to preserve, I think they ought themselves manfully and fairly to have entered into a negotiation, and declared what is the substitute they propose for the Right of Search, as established by the Treaties of 1831 and 1833. But, in the first place, to make that Right of Search illusory, as it is boasted that it has been made, to give instructions of some private kind to our naval commanders, by which the Right of Search is not efficiently exercised, and in this manner to make the right which ought to be so effectual nearly null, and after you have gone on for some time thus, diminishing the efficacy of these Treaties, which, rightly exerted, had efficacy, then to transfer your responsibility to a Commission—to ask men of high names and unblemished characters to put themselves forward, with the view of tranquillizing the fears that may arise—that does not appear to be a course either fair or dignified towards the people of this country. The people of this country wish to see the repression of the Slave Trade; and we who sit on this side of the House are as anxious for the repression of the Slave Trade as any of those who voted for the Resolution of the noble Lord, the Member for Liverpool in 1841. They will look with some jealousy on the weakening of any means by which the Slave Trade is now repressed; but if you cannot maintain those means in vigour, tell us so openly, tell us so directly, and we will give you all the confidence which can arise from a patient attention to the reasons you may produce, and a fair appreciation of the motives by which you may be actuated. Sir, the hon. Gentleman who moved the Address alluded to the visit of the Emperor of Russia, and said that he hoped the Emperor would perceive that the true interests of nations are the great bonds of friendship, and by a reduction of some of those high and excessive duties which press on English produce and manufactures, would furnish England with grounds of conciliation, by which the bonds

uniting the two nations may be more closely drawn. I quite agree with the hon. Gentleman; but I hope he will agree with me when I say that if it should occur to the Emperor of Russia to remark that the hon. Gentleman is perfectly right, and he trusts that his sister Sovereign the Queen of England will direct the Ministers to reduce some of those duties which press on the people of England, and which forbid the introduction of the timber and corn of Russia, it will be quite as effectual a means of consolidating the peace that now reigns between us as the single attempt of the Russian Government to diminish their duties. Sir, I will not pass altogether from those foreign affairs without congratulating the House—although the topic has not been mentioned in the Speech, it has been much mentioned in the country—on the improved state of our commercial relations with China. I cannot do so without recollecting that when my noble Friend the Member for Tiverton said he hoped the commercial relations with China would open a great field to the improved trade and increased manufactures of this country, there were marked signs of derision on the other side of the House. That opinion, however, of my noble Friend, which then seemed to them so utterly wanting in probability, has been found to be the true and just opinion, and I do heartily rejoice that the increase of those transactions has tended much, among other circumstances, to remove commercial and manufacturing inactivity in this country. Sir, the Speech next proceeds to domestic affairs, and reference is made to the state of Ireland. I am glad that Her Majesty's advisers, acting no doubt on information they have received from that part of the United Kingdom, can say that political violence is quieted, and that there are symptoms of greater plenty of employment for that country. I must own, however, that the accounts I have derived from persons lately come from Ireland, refer with much apprehension to symptoms which they consider as very menacing in that country. They observe that the ties which held men together—the ties which bound the richer classes to the poor—the ties which connected the priest with his flock—are very considerably loosened, and that there is great apprehension that those individual outrages, of which we have seen such painful results, may lead to a general increase of disturbance in that country. That there is any fear of insurrection, no man

says; that there is that political agitation which prevailed two or three years ago, no one affirms; but, on the other hand, I am afraid no man can say there is that general affection to the Government and Parliament of these kingdoms which ought to prevail in any free country towards the Government and Legislature. And I attribute much of that consequence — of course it is but part of it, but it is an important part—to the very injudicious, and also the very unjust proceedings which were taken towards some leading persons in that country. Sir, we have had the spectacle of persons put upon their trial—that trial lasting for a very considerable time—the sentence pronounced, those persons sent to prison, confined for several weeks, and when the matter came to be examined in the supreme tribunal of appeal in this country, those proceedings were reversed as altogether irregular and informal. But more than this: two of the Judges who pronounced their opinion in the House of Lords, said they thought the proceedings with respect to the jury were unjust and unfair, but that they did not rest their judgment on those grounds, having other reasons that respected the badness of certain counts upon which the judgment had rested. But one of those Judges, and that no less a person than the Chief Justice of the Queen's Bench in England, the highest authority in our Common Law courts, declared that the case of those persons had not been fairly submitted to a trial by jury. He said that if sixty names, which were omitted, had been contained in the panel, it might have been that an acquittal instead of a conviction would have followed; but he said, having nothing to do with those speculations, I am bound to say that the subject is entitled to a fair trial, which cannot be said to have taken place in the present instance. Nay, more than this, he said, if such proceedings were countenanced and made a precedent, Trial by Jury in this country would become a delusion, a mockery, and a snare. Sir, is it possible that the people of Ireland can have confidence in a Government which they see, in a case of prosecution, has resorted to means thus condemned by the highest authorities? Is it possible they can give consent that Trial by Jury, which is the safeguard of every subject of the Queen, by which alone it is that a man is enabled to discuss freely out of this House the proceedings of Government and Parliament, should be abolished, and a fraud substituted in its place? But

there is one part of the statement especially which I think must call for the attention of the right hon. Gentlemen opposite, the First Lord of the Treasury. In former times, when the Sheriff committed any fault in the list of the jury, there was a remedy by challenge of the array, which, when resorted to, was found to be sufficient. The right hon. Gentleman has altered the laws with respect to the jury, and altered them, I believe, with the intention of giving greater regularity and efficiency to that great constitutional remedy. Lord Denman has stated that that alteration of the law does not prevent the subject from having his remedy, if the fault is not in the Sheriff, but in some other party; in the Quarter Sessions, the Clerk of the Peace, or the Recorder, it may be, of the City of Dublin, or whatever other authority has been concerned in the formation of the list. I am told there are other high authorities in Westminster Hall who do not agree with him in that opinion, and who think the new statute does preclude the accused from his remedy. But if that be so, certainly there can be no doubt whatever, that a great constitutional wrong has been done by taking away the remedy that was given by the challenge to the array, when the Sheriff had returned a defective jury. I hope, if that be the case, the right hon. Gentleman will see that it must be imperative on the Government to introduce some Bill, either declaratory or enactive, by which the subject shall have a remedy, and that no such wrong shall be perpetrated, as that on the panel being struck for a jury, sixty names should be omitted, and the subject be without a remedy. Another question alluded to in the Speech is that of Academic Education. The subject is hinted to us in such a general way that there is no person, I imagine, in this House, whatever other objection he may hereafter feel to any measure which may be brought forward, who can object to the words in which it is mentioned. The Member for the University of Oxford (Sir R. Inglis) would, I think, have no objection to the terms. But, at the same time, it is understood there is some measure on that subject to which the phrases I allude to have reference, which has deprived the Government of the assistance of one of the most able Members of the Administration, I mean the right hon. Gentleman who held the office of President of the Board of Trade (Mr. Gladstone), and who explained in so luminous a manner the various details

of the projected changes in the tariff in 1842. It is supposed that that right hon. Gentleman, whose talents I need not praise, because they are no matter of question with any person in this House, has left the Government on account of the objection he entertains to the measure to be proposed on this subject. If that be so, I trust we shall have some further explanation of the nature of the measure which has produced this consequence, which has carried this distraction into the Government, and which evidently is so objectionable in the opinion and to the conscience of the right hon. Gentleman. Sir, I know not whether that measure may be a wise one or an injudicious one; but I may say, that a measure on a subject of this kind would not only excite very considerable suspicion and hostility in England, but would be likely to create great suspicion and distrust in Ireland. You have seen that with respect to the mode in which the Bequests Act has been received. For my part, I gave my humble support to that measure. I believed it to be a good measure, and framed with an honest intention. I believe it has been carried into effect, so far as the nomination of the commissioners is concerned—and that is the only part with which the Executive Government has to do—in the spirit in which it was conceived. But, Sir, it is impossible to deny that that measure was not brought forward with that judgment and preparation it ought to have received. It was mentioned early in the Session; it concerned a most important and most difficult point, namely, bequests to that part of our fellow-subjects professing the Roman Catholic faith. One would have thought that that question would have been brought forward early, that those professing the Roman Catholic faith, especially some of the archbishops and bishops of Ireland, would have been asked whether the provisions of that Bill were consonant with what they conceived to be the independence of their religion, and were suited to the purpose which the Government—for I give the right hon. Gentleman credit for the honesty of his purpose—wished to effect. Instead of that, the measure was brought forward late in the Session and in the other House of Parliament, so that it did not come into this House till very near the end of the Session; it was repeatedly altered and amended by persons suggesting at the moment words which they thought would answer the purpose; but there was no declaration of autho-

rity from any Roman Catholic prelates ever received to assist and guide us under an Act so intended for their benefit, and to enable Roman Catholics to give their own money and bequeath their own property for Roman Catholic purposes. Was there not a want of judgment or discretion shown as to the mode in which the Bill was introduced? Can you, therefore, be surprised that certain parts of that measure, shown to be defective, should be seized upon as proofs of the intention of the English Government to gain some influence hostile to the independence of the Catholic clergy? But, in the meantime, you have done a great mischief. If there be any men whose influence you should have cherished and promoted in Ireland, it is such excellent men as Archbishop Murray and Archbishop Crolly. They have accepted office under the Commission; but by the mode in which you have framed the Act, you have exposed them to insult and hostility, which you should have been the last to provoke. There is another point to which I must advert; because it is put forward, and very naturally, before the people of Ireland, as a reason why this measure should be looked upon with suspicion, and refused. It is, that four years ago, when those who now form the Administration were in opposition, they countenanced every exhibition of insult towards the Roman Catholic religion, and animosity and alienation towards the Irish people. These phrases are now returned upon them, in which that enmity was expressed. They knew perfectly how sensitive the people of England were on this subject, how much the Protestant religion was endeared to them, and how unwillingly they would see anything like Roman Catholic supremacy in the affairs of this country. They knew the pride of the people of England, and how ill they would bear the notion that Ireland had not only its fair share and weight in the councils of Government, but that England was governed by the Irish Members. They knew these things, but they did all in their power to increase antipathies. Where they perceived a spark of religious animosity, they blew it into flame; where they found the tree of national prejudice growing, they watered and tended the plant, until its noxious and poisonous shoots overspread all England. Such was their conduct four years ago; and now, when they adopt a better course, and wish Ireland to be conciliated, how can they wonder that those who have been the agitators of Ire-

land, and have led the people to political victory, should remind them of all those phrases—the “surpliced ruffians,” the “demon priesthood,” and the like, whenever they say that they wish prejudices to fall into oblivion, and a more conciliatory spirit to be shown? Such, Sir, is the retribution, the just retribution, which overtakes the men who, instead of appealing to sound and enlightened opinion, endeavour to get hold of some popular prejudice or mistaken notion, in order to found their power upon deluding and misleading the people. Sir, at the same time, I cannot but feel satisfaction upon this subject and many others, in seeing that the present Government have adopted views which I, and those who acted with me, have long since embraced and maintained; that with respect to Ireland especially, after endeavouring to force upon the country a Bill which was to deprive it of its electoral franchise, they have refrained from these attempts, and admitted by the Bill of last year (although it was a most defective one), that their former Bill was not fit for a Government to propose, that it was an injustice—for that was the very word used by the right hon. Gentleman opposite. The Bill for which the Conservative party struggled—for which, four years ago, they crowded to this House—for which, in repeated divisions, they battled, in order to obtain a majority, and to force its passing against the Government of the day—that Bill is now admitted to have been an injustice; and when they themselves proclaimed it, when they themselves admit that such was their course, you cannot wonder either that I should triumph in the recollection of those opinions which they then held, or that the people of Ireland should still feel a want of confidence in them. You now say—it is true that what was formerly offered by you was an injustice, but that which you now offer is a boon. With respect to other questions—with respect to education in England, we were told it was dangerous to give to a Committee of the Privy Council any power, with respect to the grants; and it was only by a majority of two, in a Committee of the whole House, that we succeeded in obtaining the grant to be placed under the control of the Committee of the Privy Council. The doctrines then held were of the most extraordinary kind. The right hon. Gentleman the Secretary of State for the Home Department was of opinion that if you gave the direction of education to a Committee of Privy Council, you would

give it to a despotic and irresponsible power, and that if it were used for purposes he indicated, the Established Church was at an end. The right hon. Gentleman the First Lord of the Treasury held doctrines not quite so extravagant, but, nevertheless, nearly similar. And yet what do I now see? I perceive a speech delivered by the noble President of the Council, in the north, in which he said that the transfer from the Treasury to the Education Board of the Privy Council was rendered necessary by the increase of business, and that an Education Department was necessary for the furtherance of education. Now that was a very excellent and liberal speech; but I certainly rather wondered that the noble Lord should slide over so easily the question of the grant to the Privy Council, and that it should have escaped his memory that there was an address carried up by the Archbishop of Canterbury, praying that the grant for education should not depend upon a single vote of this House of Parliament. Lord Wharnccliffe throws over and knocks that on the head altogether. But why did not the noble Lord tell us that the Archbishop was utterly wrong? There remains one topic, to which it is gratifying to me to allude; I mean, the prosperous state of the manufacturing and commercial interests. The hon. Gentleman who seconded the Address to-night—and no one is more conversant with the subject—in treating this part of the subject, gave us several instances of this prosperity, and he told us that even the iron trade, which last year did not partake of the prosperity which was enjoyed by other branches of commerce, is this year in a comparatively flourishing state. But while that is perfectly true, and while we have every reason to be thankful to Divine Providence for the bounteous harvest with which the land has been blessed, there is yet another reflection occurs to me, and which I do not mention to damp our feelings of exultation, or to diminish the force of those facts which the hon. Member has recounted, but only for our warning as legislators. In 1836, on the 4th of February, the very day of that year on which we are now met in this, an hon. Friend of mine, the Member for Sheffield, seconded the Address. In so doing he went through the various interests of the country, cotton, wool, silk, iron, and he found that the increase had been very large, that our exports had greatly increased on a comparison with the five years antecedent. The hon. Member drew

a picture of the flourishing condition of the country in 1835. Then we had had a favourable harvest. But 1838, 1839, and 1840, brought us into a very different condition—when we had bad harvests, when Providence did not continue to us the same state of blessing we had heretofore enjoyed, when we suffered most severely from the depression of our manufactures and commerce in that season of high prices. No man can expect the present state of things to continue unaltered, or that we shall have in this country every year a recurrence of those bounteous harvests with which we have of late been blessed. If, then, we cannot expect that—the reflection occurs, can you do anything to remedy the evils which deficient harvests bring along with them? I think we can: not, indeed, by attempting to interfere with the course of Providence, but by looking at another dispensation of Providence which enables man to exchange the products of his own country with those of other and distant regions. Let us, then, as I hope we shall, consider in the course of the present year whether we have not the power to ward off the evil which at some future period of deficient harvests may fall upon us, by giving to those productions of other nations which we can best use and employ a more favourable inlet into this country than they have at present. By so doing, you would be only acting in consonance with the principles of the present Government, and of the great majority of this House. They do not hold with that great society which met yesterday, that protection to British industry is the true way to ensure a permanent flourishing condition for the people of this country. On the contrary, with respect to many articles of great value, they have declared that principles opposed to those of protection, and which, if not entirely free-trade, are known by the name of free-trade principles, are those by which the intercourse of nations should be regulated. If they continue in these opinions—if they differ from those great authorities which maintain that protection is for the benefit of the people—let us have the advantage of the practical working out of those opinions. I know that those who propose this are called the enemies of agriculture, but I am convinced that protection is not the support, but the bane of agriculture. I will not say, for this would not be the time if even I were prepared to say it, what particular measures should be proposed, or what the right hon. Gentleman himself would think

the best way to get rid of that which encumbers a great part of the commercial policy of the country. But this much I may say, that there is not the smallest doubt upon my mind upon the question as to whether you should do that which you intend to do, calmly, considerably, in a season of prosperity, and with the dignity becoming legislators; or whether you should do it hurriedly, incon siderately, under the pressure of popular uproar, and in the dread that you cannot deny that which still you fear to grant. I think, both with respect to Ireland and to this question of free-trade, you ought to take advantage of the present time. You say, Ireland is tranquil—you say trade is prosperous. Shall we then lose this opportunity? I think almost every man will admit, if you were forced by foreign war or internal commotion, you would give to Ireland everything she asks, excepting Repeal; and also that if similarly operated upon, you would not hesitate long about a change in your Corn Laws. If that be so, then, I would say, take advantage of the time before you, and consider yourselves most happy in being able to show yourselves indeed worthy of that great nation you are called upon to govern.

Mr. Miles would not have risen, had it not been for the intimation of the right hon. Gentleman that he would bring forward his financial statement on Friday week, and also, had it not been for some expressions let drop by the noble Lord. He was at a loss to understand the noble Lord. Protection the bane of agriculture! If the noble Lord entertained that opinion now, or if he entertained it last year, why had he proposed a fixed duty? If the noble Lord found it convenient to alter his sentiments, and had allied himself with the Anti-Corn Law League, it appeared that a sudden conversion had come upon the noble Lord, and that he was determined to follow out the axioms and principles of that party. The noble Lord had fallen into another error—he had said there had been a bountiful harvest, and the noble Lord considered agriculture in the highest possible state of prosperity. [Lord John Russell: "No."] He was glad to hear that denial from the noble Lord. The noble Lord had said that a time of prosperity was the time to alter; but he thought that if ever there was a time when it behoved an administration to be cautious, it was the present time. The harvest in the north, he admitted, had been generally good, but

not so in the southern and western districts. It was intimated that the Income Tax was to be kept on, thus involving some necessary reduction of taxation. If so, he rose to claim, on the behalf of the agricultural body, that in any reduction of taxation their interests should not be forgotten. With regard to the Speech from the Throne, though generally assenting to it, he wished to preserve himself perfectly independent, and not to pledge himself to any details.

Mr. *Gladstone* spoke as follows: I am aware, Sir, it would be inexcusable on my part if I were to endeavour to relieve my right hon. Friend at the head of the Government from the task of replying to those numerous imputations which the noble Lord has thought it right to throw upon the Government in the course of his Speech. I rise with a different purpose. My object in offering myself to the House is, to give an explanation of what relates more immediately to myself. I should not, however, venture upon such a step if it were not that I feel the acts of public men to be acts in which the public at large have a great concern; and therefore, although it be irksome and offensive to detain a public assembly charged with high functions by matters in which self occupies too prominent a position, my purpose is, in point of fact, to remove misunderstandings and misapprehensions which, without some explanation, might exist, and which, relating to others as well as to myself, might prejudicially affect the public interests. Before I proceed, however, the noble Lord opposite will, I hope, allow me to thank him for the kind terms in which, notwithstanding the great differences of opinion, as well as those of station and ability between us, he has thought fit to make reference to me in the course of his speech.

Now, Sir, I have felt myself placed in a situation in which it is difficult to reconcile apparently conflicting duties. On the one hand, I freely and entirely recognize the claim of this House to be informed, and to be fully and rightly informed, of the motives which lead Members of the House either to accept office under the Crown, or to undertake the scarcely less grave responsibility of quitting it; and, therefore, I cannot refuse to attempt giving some account of what has recently occurred with respect to myself. On the other hand, I feel that great inconvenience would arise if I were to attempt any detailed exposition having

reference, as must necessarily be the case, to measures which have not yet come under the consideration of Parliament. I shall, therefore, endeavour to state, simply and frankly, the motives which have actuated me in the step to which I have had recourse. But here I must appeal specially to the indulgence of the House, to receive what I have to say, not as a controversial statement, not as an argumentative defence, but merely as a representation which I trust will suffice to prevent misapprehensions that might be mischievous, and yet will not lead to the premature discussion of subjects regarding which much angry feeling might perhaps be awakened. Further, I am anxious to observe that in what I am about to say, I have no blame to attach to any one. I have acted according to what appeared to me to be the exigency of the case, and what was demanded by my own position, which I felt to be in some respects different from that of other Members of the Government; and I trust, if a syllable should fall from me which should even seem to reflect upon those I regard and esteem, it will be put aside as if it had been unsaid. At all events, I may combine one object of public utility with the statement I have to make. I can state at least what has not been the cause of my resignation, and thus put an end to rumours that appeared to have gone abroad. I have not, as has been supposed, resigned on account of any matter connected with that department of the Public Service of which I had the honour of being entrusted with the charge. I have not resigned on account of the intentions of the Government, so far as I have a knowledge of its intentions, with regard to any matter affecting the Church of England or the Church of Ireland. The cause, then, I am about to lay before the House is the sole cause which has led to the step I have adopted. And now again, I am driven to the necessity of adverting to myself, and to what I have said and done in former days. I have taken upon myself, some years ago, whether wisely or unwisely is not now the question, to state to the world, and that in a form the most detailed and deliberate, not under the influence of momentary consideration, nor impelled by the heat and pressure of debate, but in a published treatise, the views which I entertained on the subject of the relation of a Christian State to Religion and to the Christian Church. Of all subjects, therefore, which could be raised for public consideration, this, in its

ultimate results at least the most important, I have treated in a manner the most detailed and deliberate. I have never, indeed, been guilty of the folly which has been charged upon me by some, of holding that there are any theories of political affairs, even in this their highest department, which are to be regarded alike under all circumstances as inflexible and immutable. But on the other hand, I have a strong conviction, speaking under ordinary circumstances, and as a general rule, that those who have thus borne the most solemn testimony to a particular view of a great constitutional question, ought not to be parties responsible for proposals which involve a material departure from them. Now, Sir, it cannot fail to be in the recollection of the House, that my right hon. Friend at the head of the Government did, towards the close of the last Session, allude to inquiries he was about to make into the possibility of extending Academical Education in Ireland, and he indicated the spirit in which that important matter might be examined. I am not even now in possession of the matured and particular intentions of the Government, and can only refer to them so far as they are known to me. I am, however, bound to say, in regard to what I believe the Government to contemplate with respect to the Roman Catholic College of Maynooth—a subject to which my right hon. Friend made distinct allusion—that I know nothing beyond what might allowably at least, though not necessarily, have been inferred from the intimations then made by my right hon. Friend. But those intimations pointed to a measure at variance with the system which I had maintained and recommended as the best and most salutary scheme for the regulation of the relations between a Christian State and the Christian Religion, and which I still believe to be the most salutary and the best in every condition of the public sentiment, that will bear its application. I am very far from intending that no departure had already been made from that scheme; I do not stop at this time to inquire whether the occasion was sufficient to justify my act; whether in its immediate magnitude, and in the consequences it might involve, it justly appeared to me to open up a new series of changes: suffice it to say, I thought it a material alteration of that which upon its own merits I had presumed to recommend. I therefore held it on the one hand to be my duty, whenever such a measure should come before the House, to

apply my mind to its consideration free from every slavish regard to a mere phantom of consistency, and with the sole and single view of arriving at such a conclusion as upon the whole the interests of the country and the circumstances of the case might seem to demand. But, on the other hand, it is one thing to discharge that duty for myself, and from myself, in a position apart from office,—it is quite another question whether, considering what I had declared, and the manner in which I had declared it, it would have been right, or would have served in any degree to accredit the proposal of my right hon. Friend, if I, as a Minister of the Crown, had been a party to his proposal. Again I tell the House, I am sensible how infirm my judgment is in all matters, and how easily I might have erred in one so complex as this, and involving the balance of so many and such different considerations. But still it has been my conviction, that although I was not to fetter my discretion as a Member of Parliament by a reference to theories which it had become impossible to realize, yet on the other hand it was absolutely due to the public, due to my public character, due to those terms on which alone general confidence can be reposed in public men, that I should under such circumstances, and in so important a matter, place myself, so far as in me lay, in a position to form not only an honest, but likewise an independent and an unsuspected judgment. On this account, Sir, it is that I have taken a course most painful to myself in respect to personal feelings, and have separated myself from men with whom, and under whom, I have long acted in public life, and of whom, I am bound to say, although I have now no longer the honour of serving our most gracious Sovereign in association with them, that I continue to view them with unaltered sentiments both of public regard and private attachment. I have now stated, Sir, as I trust, so much as is necessary to convey to the House a general view of the motives of my conduct. Still there is one remark which I must make before I sit down, or I should not adequately discharge my present duty. We all well know that the subject of the Roman Catholic Religion, the Roman Catholic Church in Ireland, and especially the Roman Catholic College of Maynooth, is related to a large mass of excitable sentiment in this country; and as I have been compelled by what I feel to be my public duty, to advert to

measures relating to that College as the cause of my retirement from office, I do feel it to be my duty also, at the same moment, distinctly to say that I am not prepared to take part in any religious warfare against a proposition such as I anticipate from my right hon. Friend. I can understand, and I have even ventured to vindicate, as the most excellent and true, in a state of society able to appreciate its truth, the principle upon which a Christian State allies itself for religious purposes with the Christian Church, and with the Christian Church alone; but if the time has come when, owing to the great advance of religious divisions, and likewise owing to a very great modification of political sentiments, what remains of that system must be further infringed, then I cannot undertake to draw any line of distinction unfavourable to my Roman Catholic fellow subjects in Ireland in particular. And I fervently and earnestly trust that if we are to change the policy of the State, and to substitute for the former practice of the Constitution one that gives a more indiscriminating support, then the Irish Roman Catholics will not be selected for proscription, but that they will be regarded as having a title to the favour of the Legislature upon a footing similar to that of other Christian professions differing from the Church. I have here said nothing of the expediency of the measure which my right hon. Friend proposes to introduce, because I feel that it ought not to be prejudged, but receive a calm and deliberate consideration when it comes properly before the House. But I wish again, and most distinctly, to state that I am not prepared to take part in any religious warfare against that measure, such as I believe it may be, or to draw a distinction between the Roman Catholics and other denominations of Christians, with reference to the religious opinions which each of them respectively may hold. I do not know that I have anything to add. I wished to explain upon what ground I desired, as a matter of duty and of deference to the public, to quit my office. I wished to claim for myself prospectively, an entire liberty of judgment. I wished to state distinctly that I have no blame to cast upon my right hon. Friend, or upon the Government, with respect to any dereliction of their character and professions in any intentions they entertain, so far as I am acquainted with them. I have now only to thank the House for their indulgence in listening to me. I have made no reserves in my statement; but I have endeavoured to lay my motives

frankly and fully before the House; and having in pursuance of what I thought my duty returned to the position of an independent Member of Parliament, I shall in that position consider myself bound to apply my mind to the examination of any proposal which may be made to us, with the single desire of acting as the public welfare may require.

Sir *Robert Peel*: I feel confident that this House will show that generous regard for the strength of private and personal feelings, if, however important are the other matters which have been introduced in the course of this discussion, I commence my observations by a reference to that subject of deep interest to me and to my Colleagues which has just been brought under the notice of the House by my right hon. Friend. For his abilities I entertain the highest respect and admiration—admiration equalled only by my respect for his private character. I confirm in every particular the statements made by my right hon. Friend. My right hon. Friend did intimate to his Colleagues at an early period, that he thought it improbable he should be enabled to co-operate with them, as a Member of the Queen's Government, and with the responsibilities and obligations which that situation implies, in the measures they had in contemplation with respect to education in Ireland. If my right hon. Friend did not immediately press his resignation, for that I am responsible. I was unwilling to lose, until the latest moment, the advantages I derived from one I consider capable of rendering the highest and most eminent services to the country, and who was a distinguished ornament of the Government. I think it right to state, or rather re-state, that it is not with regard to any question of commercial policy that my right hon. Friend has sent in his resignation. For three years I have been closely connected with my right hon. Friend in the introduction of measures connected with the financial policy of the country; and I feel it my duty openly to avow that it seems almost impossible that two public men, acting together so long, should have had so little divergence in their opinions upon such questions. My right hon. Friend has, very properly, having been so long a Member of Her Majesty's Government, felt himself precluded from referring in detail to the measures contemplated. But I, being precluded by no such feeling of delicacy, may state, in the face of the House and the

country, what that difference of opinion was. The House may remember that in the course of last Session, upon a Motion by an hon. Gentleman opposite, the Member for Waterford, I made a declaration to this effect, namely, that Her Majesty's Government would, during the recess, apply themselves to the great question of Academical Education in Ireland; that I did admit, looking at the population, looking at the state of the country with respect to Universities, looking at the state of Scotland with respect to the opportunities there for Academical Education, seeing that in England there were the two great Universities of Oxford and Cambridge, that more recently there had been established in the metropolis two colleges, since united, that in Scotland there were no fewer than five Universities; and then, looking to the state of Ireland, and finding that, with the exception of the establishment at Belfast, there was only one University, I was disposed to admit that in Ireland there did not exist the same facilities for Academical Education as in England and Scotland. I trust it is unnecessary to say, that I did not make that statement for the purpose of evading any temporary difficulty. I made it deliberately, and with a firm conviction of its truth, on the part of myself and my Colleagues, and that it was a pledge which should be fulfilled, and with the determination that I would not by general phrases encourage expectations which should not be realised. We shall therefore be prepared to fulfil that pledge. We have considered the question of Academical Education in Ireland, and at an early period of the present Session we shall propose an increase of facilities for Academical Education, open to all classes of Her Majesty's subjects in that country. I stated also upon that occasion, with reference to that particular matter, on which, as my right hon. Friend has truly said, there are great opportunities for raising religious excitement and feeling in this country—I did not, at the close of the last Session, shrink from the declaration that, among other institutions connected with Academical Education, the state of the college of Maynooth should undergo the consideration of the Government. Sir, we do intend to make a proposal to this House, and I frankly state, on the very first day of the Session, that it is our intention to propose to Parliament a liberal increase of the vote for the college of Maynooth. It may be recollected, that when in opposition I resisted

a Motion made for the purpose of taking from that college the allowance now annually granted to it. I stated that such a proposal was in violation of an engagement which had been entered into by a Parliament exclusively Protestant—the Parliament of Ireland—and that that engagement was to provide domestic education for Roman Catholic ecclesiastics in Ireland; and that such engagement was not necessarily fulfilled by a regular annual payment of a customary allowance. The engagement was to supply the want of ecclesiastical education, by the foundation of a college for the giving a spiritual education in that country; and if the population of the country be increased, or if the means of furnishing such education be diminished, I think you are but acting in accordance with the original implied engagement of the Irish Parliament if you supply increased means for ecclesiastical education in that country. I beg to state also, with equal distinctness, that we do not propose to accompany that increased vote by any regulation with respect to the doctrine, discipline, or management of the college, which can diminish the grace and favour of the grant. I rejoice in the opportunity, at the commencement of the Session, in making frankly this statement, because I know it is a subject upon which religious feeling can be easily excited. But I think I may refer to the retirement of my right hon. Friend, and to the sacrifice which we have made by the loss of him as a colleague, and to the danger to which we may possibly expose ourselves, by the fact of his retirement, to increasing possibly the apprehensions and alarm upon the subject, notwithstanding his earnest desire to prevent it,—I think I may refer to these facts as a conclusive proof of what is the real disposition of Her Majesty's Government upon this subject. And that is my answer to the insinuations and imputations of the noble Lord. The noble Lord, notwithstanding the candid spirit manifested in many of his observations, could not resist the opportunity of taking a petty and party advantage by attempting to poison the public mind, and to diminish the grace and favour of these acts of liberality which he so cordially approves of, by trying to persuade the people of Ireland that they ought to reject those measures when they are offered. What a spirit has the noble Lord spoken in to-night of the course we have taken with respect to the Roman Catholics of Ireland! How has the noble

Lord spoken of the Roman Catholic Bequests Bill? There was no pressure, there was no threat, there was no menace upon the subject. Indeed, the very question was hardly mentioned out of Parliament; but the Government, seeing that there was an exclusive Protestant Commission for the management of Roman Catholic bequests, it did occur to them that it was a measure of justice to permit the Roman Catholics to exercise some degree of control over the acts of the Commission. I therefore proposed a measure which, I repeat, was not called for by any public demonstration, by which the Roman Catholic prelates should have some power, and we were told that it would make the measure more palatable if the Roman Catholic ecclesiastics were permitted to be members of the Commission. We stated at the time that we thought it unwise to fetter the Crown by a positive enactment; but I did ask the House to give the Crown its confidence in the exercise of its discretion, and, notwithstanding public clamour, I asked the House to believe that we would carry out the measure in the spirit in which it was proposed. And what course did we take? Out of the five Roman Catholic Commissioners, the three first proposed were Roman Catholic prelates. We left the appointment of the secretary to the Commissioners. The Roman Catholic prelates who were nominated—Dr. Murray, Dr. Crolly, and Dr. Denvir—all men devoted to their religious functions; and to the offices of private life, nevertheless felt it to be their duty, convinced of the fair and honourable intentions of the Government, and disregarding popular clamour, to accept the office which the Government proposed to them; and now comes the noble Lord—standing as he does at the head of a great political party—and thinks it expedient and wise to use his best efforts to neutralise all these beneficial efforts on the part of Her Majesty's Government, by exciting political animosities in the minds of the people of Ireland against the measure. Says the noble Lord, "who can wonder that the Roman Catholics should remember these things?" Why, indeed, no one can wonder when the noble Lord himself deems it not unworthy of him—at the head of a large political party—to treasure up in his memory all the vituperative expressions of the newspapers of the day, and quotes exasperating expressions, such as "surplined ruffians" and "demon priesthood," for the purpose of recalling them to the

recollection of the public mind in Ireland, and fixing them in its memory. What public man ever used the words "surplined ruffians," or "demon priesthood?" [An hon. Member: They were used by the *Times*.] I care not who used them; they never were used by me, or by any of my political friends. I utterly deny that I, or any of my friends, have ever countenanced insults to the Roman Catholics of Ireland; and as a complete refutation of the reckless allegation of the noble Lord, I refer the people of Ireland to the painful sacrifice which we have made by giving up the co-operation of my right hon. Friend (Mr. Gladstone), and by incurring the danger which the loss of his service on a religious question may expose us to. I refer to these substantial facts as an answer to the small insinuations of the noble Lord. But those insinuations will not divert us from the course I have indicated. In that course it is our determination to persevere. The House may depend upon it, that the general spirit of the engagement to which I refer will be fulfilled, and practically carried out. With regard to the subject more immediately under the consideration of the House—I mean the Address to Her Majesty's most gracious Speech—I am sure the House will excuse me, if, in the first instance, I congratulate the House upon the talent and information which have been displayed by the two hon. Gentlemen who moved and who seconded the Address. My hon. Friend (Mr. Charteris), who has spoken to-night for the first time, I trust, will remember, although he has met with general approbation, that he has incurred a weighty responsibility by the success of his own efforts. He has a long and honourable career before him. He has proved to us this night that he is able to distinguish himself in the public service, and that if he should not apply himself by exertion to attain that distinction which it is quite evident he can command, he will greatly disappoint the hopes he has this night excited by the evidence he has given of his great ability, great judgment, great moderation, and great discretion. I also hope that my hon. Friend who seconded the Address (Mr. T. Baring) will be aware that he cannot make a better use of that commercial experience which he possesses, than by addressing this House on all matters relating to the commercial interests of this country. A great part of our time is, undoubtedly, necessarily occupied in party contests: but I can assure my hon. Friend, that although the discussions

on commercial subjects, and the giving of commercial information to the House, may partake somewhat of less excitement than the contests of partisans among political men, yet this House and the country will estimate the services of those who, keeping aloof from party, shall devote their minds to commercial pursuits, and communicate to Parliament matters of importance connected with the great trading interests of the realm. The noble Lord has admitted that in the Speech delivered by Her Majesty this day, and in the Answer to that Speech, and also in the speeches of the Mover and Seconder of that Address, he can scarcely see anything to find fault with. Of the Speech the noble Lord said he had no complaint to make; neither of the Address, nor of what fell from the Mover and the Seconder. That being the case, I wonder the noble Lord did not approach the commencement of the Session with something more of an equitable temperament. What was there for the noble Lord to be wroth at? And yet the noble Lord has given utterance to a most violent and bitter party speech. Is it that the noble Lord's temper has been provoked by the contrast which the Speech from the Throne this day presents to the Speeches which the noble Lord, when in power, was obliged to counsel? Is it the congratulations which Her Majesty offers to Parliament on the present state of the trade and commerce of the country, of the improved condition of the manufacturing industrial classes, and above all, of the flourishing state of the Public Revenue; it is these things which have suggested to the noble Lord reminiscences of a very painful nature, and which has disturbed that equanimity of temper which is usually displayed by him, and which is generally observed on the first day of Session?

"Vixque tenet lachrymas, quia nil lacrymabile cernit."

I cannot conceive with what part of the policy of Her Majesty's Government it is that the noble Lord anxiously finds fault. The noble Lord has spoken of the abrupt expulsion of Mr. Pritchard from Tahiti, an island many thousand miles distant from Great Britain, accompanied by circumstances very imperfectly known. The noble Lord states that he thinks the French officer was entirely justified, or might have been entirely justified, if an island of which the French had *de facto* possession was in a state of revolt, and if the French officer

thought that an Englishman residing there encouraged that spirit of revolt, to send that person out of the island. He says that the danger might be very great, and might supersede the ordinary course of law, and he did not dispute the right of the French officer to expatriate Mr. Pritchard; but the noble Lord says that the circumstances under which the expulsion of Mr. Pritchard took place was a great outrage. I entirely agree with the noble Lord; and I consider that the manner in which Mr. Pritchard was expelled, and the expressions which were used towards him, justified the expressions which I used when I called it a gross outrage. But Her Majesty's Government think that they have obtained a moderate and fair reparation for that wrong. They have just got that which the noble Lord says they ought to have. We did not ask for more—we did not demand more; and I should deeply regret if we had any occasion to triumph in this matter, or to consider that we had gained an advantage over France. I should, in that case, have felt that such a reparation would have been most imperfect and most unsatisfactory, and altogether inconsistent with the maintenance of that good understanding between the two countries which it is so desirable to maintain. Any reparation that would have been humiliating to France would have been matter of deep regret to me. The noble Lord says that two months were allowed to pass before Her Majesty's Ministers succeeded in getting reparation. Well, Sir, I must say that, to have effected a reconciliation between two great nations, looking at the state of the public mind in both countries, and to have brought everything to an amicable conclusion within two months, is not a very unsatisfactory result. It might have been protracted for a much longer period; but it was completed within that time, and what ensued? Within two or three weeks after the public mind of this country had been so inflamed upon this subject, the King of the French came to England, returning the visit made to him by our own Gracious Sovereign. The noble Lord says that we made an extravagant demand upon France. Sir, we made no demand. We lost not an hour in stating to France what had occurred. We preferred no demand, and we stated distinctly "we rely entirely on you to make us the reparation we have a right to demand of you." If the noble Lord will read the Speech of the French Minister, he will find it there expressly stated that the

English Government preferred no demand, but stated what had actually occurred, and that we had declared that notwithstanding the delay in effecting an arrangement, our confidence remained unabated that the French Government would voluntarily tender all the reparation this country could expect. The noble Lord says that we have complimented our wisdom in the Speech delivered from the Throne, as to the course which we have taken upon this subject. The noble Lord is completely wrong. We have not complimented ourselves. I should have thought it very unwise to have advised Her Majesty to have introduced in a Speech from the Throne to Parliament any compliments to Her own Ministers. All that we say in the Speech is, that this affair has been settled by the justice and moderation of the two Governments; and we say not one word about the wisdom of the course of proceeding. Therefore, all that brilliant part of the noble Lord's Speech has no foundation whatever. My opinion remains unshaken, that it is for the interest of England, for the interest of France, for the interest of Europe, and for the interest of civilization, that a good understanding should be maintained between England and France. A bad understanding may prevail between distant countries, and may not lead to war; but between England and France you have hardly an alternative between a cordial and friendly understanding and hostility. There are countries which immediately border by land upon France, but do not suppose that upon that account their relations with that country are more close than yours. The sea which divides you from the Continent only facilitates the intercourse between the two nations, and you are in fact nearer to France than any other country. By steam navigation across the Channel you are brought into closer contact with France than if you were a continental power; and as steam navigation advances, the more intimate will be your connexion with that country. You cannot, therefore, prefer any other terms with France than those of confidence, founded upon a desire, by amicable explanation, by arrangement, and by mutual concession, to heal the little differences that may, in our various relations with distant portions of the globe, prevail between the two countries. It is by the existence of a cordial and friendly understanding between the Governments of the two nations, that you will be able to appease the passions that will, from time to time, be

excited by the acts of subordinate agents, acting at a distance from home, and without authority. There has not been one reparation made by France to us, that I would not at once have counselled the English Government to have made to France, if circumstances had been reversed; and I think it would not have been wise in us to ask any reparation from France which we would not have granted ourselves. See what the position of France and England is with respect to its influence over affairs in the other hemisphere. See how our cordial and mutual understanding bears upon other countries on the west of the Atlantic. Our relations with France differ from those of any other power. It is of the utmost importance with respect to your conduct, and your relations with the South American States, that there should prevail a friendly understanding between France and this country. I believe I am stating what is the general opinion of this country. I believe there is a general desire on the part of the people of this country to maintain the most amicable and friendly relations with France. I would not, I trust it is needless for me to say, maintain such relations at the expense or honour of England. Neither do I think it at all inconsistent with the most friendly understanding with France, that this country should adopt every measure which a sense of protection and security may suggest. I trust it is perfectly compatible with the most friendly feelings between the two countries, to take those proper and adequate precautions in a time of peace which circumstances may point out as being necessary, in order to be prepared to meet every contingency that may arise. The noble Lord has referred to the question on the Right of Search. I think it better to defer any discussion on that question until a communication shall have been made to the House, and papers laid before it. The House will be then able to judge whether we have in point of fact made any compromise in attempting to accomplish that which I freely admit ought to be our object—namely, the effectual suppression of the detestable traffic in slaves. After the sacrifice which this country has made, I believe that we are under the highest political and moral obligations to adopt all the measures which can, consistently with the general Law of Nations, effectually suppress the Slave Trade. But observe, the French Chambers have declared twice, I believe, against this Right of Search; public opinion in France has been

raised against it, and say what you will, the Right of Search becomes, in a material degree, paralysed when it is exercised against the sense of the organs of public opinion, and against the general sense of the country. Though the Right of Search might be most efficacious for its object, when carried into effect with the perfect good will and concurrence of both parties; yet, if the French Chambers, by almost unanimous votes, do think fit, which I deeply regret, to denounce this Right of Search, and look to their Government to attempt to substitute something in lieu thereof, it is quite impossible not to expect that the existence of such a feeling must throw obstacles in the way of carrying it into practice. What, then, does M. Guizot propose? Avowing that the object of the French Government is the same as ours:—declaring its anxiety to abolish the odious traffic in slaves, the French Minister asks whether it be possible to substitute for the measures which we adopt, under the Right of Search, other measures equally efficacious, and, to use his own expression, more efficacious than the Right of Search? Our object being the suppression of the Slave Trade, would it be wise, seeing the state of opinion in France, to refuse all consideration of the question? In our answer, we state that we retain our opinion as to the obligation of putting down the Slave Trade; and that we cannot consent to give up any powers we may possess, unless we can satisfy ourselves that some other measures, at least as efficacious, can be adopted. The policy of entering into the inquiry mainly depends on the instruments by which that inquiry will be conducted. Whom does the French Minister propose to conduct the inquiry on the part of France? One of the highest authorities in France; one who is universally respected—the Duke de Broglie, who is ready to sacrifice political power for the purpose of endeavouring to effect that great object, the suppression of the Slave Trade. It was this illustrious individual who counselled one Treaty, and concluded the other in 1831, and 1833; and, if prejudices are to operate on the subject, all his are in favour of the maintenance of the Treaty. This is the man offered by the French Government to us, for the purpose of determining whether any measures more efficacious than the Right of Search can be devised. Whom have we invited to assist in the inquiry? Dr. Lushington, a man who during his whole life has been ready to sacrifice po-

litical power or pecuniary advantage for the great object of the suppression of the Slave Trade. This is what we have done with respect to the Right of Search; and the House will have the opportunity of seeing by the official papers what are the grounds on which the Government has acquiesced in the proposed inquiry, and what are the qualifications by which that acquiescence was accompanied. Let the House look to the two men appointed to conduct the inquiry—one, the Minister who signed the Treaty giving the Right of Search; and the other, a gentleman well known for the desire he has manifested for the suppression of the Slave Trade; and then I will leave the House to judge how far the Ministry has acted with propriety in this matter. If the noble Lord dissents from our policy, I hope he will bring forward a Motion in express terms, reprobating our conduct, and then we shall know whether or not we have the concurrence of the British House of Commons in having undertaken this inquiry. I am not aware that the noble Lord adverted to any other fact, excepting that at the concluding part of his speech, he made some observations with respect to our financial and commercial policy. Hon. Members are probably all aware that at the meeting of the House this day a notice was given that I, as the organ of the Government, would, on an early day, take the opportunity of stating to the House a general outline of the financial and commercial policy of the Government. This notice is certainly a departure from the usual course, for it is customary that no communication should be made by the Government to the House on this subject until the months of April or May, and until the Estimates have been, in great measure, voted. But I thought it would be better, especially when allusion is made in the Queen's Speech to a measure of such importance as the continuance of the Income Tax, not to adhere to established precedents with respect to the period of making a statement of financial policy, but at once to place before the House a general outline of that policy. It being foreseen that alterations are to be made affecting, probably, certain branches of commerce, I believe that an early declaration of the policy of the Government is by far the wisest course. For these reasons, though there may be some inconvenience in the departure from established rule, yet I would not allow the next week to elapse without a declaration of the general course of the

financial policy of the Government. I have said that I wish, with respect to the Right of Search, that the noble Lord would bring the subject before the House by a distinct motion. I make the same observation with regard to the other matter to which the noble Lord has alluded. I wish the noble Lord would fairly take the opinion of the House of Commons, as to whether the Government have prejudiced the interests or dishonoured the name of this great nation by coming to an amicable accommodation with France, in respect to the affair of Tahiti. I am most desirous that we should know the feeling of the House of Commons on that subject. The French Government is denounced for having made concessions; look to the language in the French Chambers. I will not refer to it in detail, and I will not impute to those eminent men, by whom the language I refer to is used, that it is their desire merely to embarrass the Ministry; but when I see men like M. Dupin and Count Molé coming forward and making such declarations as I have indicated; when I see another great man, whom I hold in respect, occupying a high position in his country, and distinguished in literature (M. Thiers), declaring that the French Government has dishonoured France by concessions to England—and when I hear also that the English Government is said to have dishonoured England by concessions to France, I do see that it is possible to throw obstacles in the way of a cordial understanding between the two countries, by fastening on one concession made by this Government as humiliating, and at the same time fastening on the wise policy of the transaction; and I wish the House of Commons to have the opportunity of declaring its opinion as to whether or not the course we have taken in making an accommodation with France be honourable to both parties, and whether or not it was dictated by wisdom, and was consistent with justice? But I will not anticipate the discussion on the affair. As I have before said, it is not correct to say that we boasted of wisdom, and though we took credit for justice and moderation, we at the same time applied the terms to both countries. The House can judge whether the statements made this night on the Queen's Speech, with respect to the condition of trade, of revenue, with respect to the general condition of tranquillity in this country, and the absence of political excitement in Great Britain at least, do not afford indications of that improvement on

which Her Majesty has felt justified in congratulating the country. I shall have measures shortly of great importance to propose, and the House will then have the opportunity of determining whether, while the administration of affairs has been conducted by us, the condition of the country has deteriorated, or whether, on the contrary, its condition has been such as to induce the House to continue to us its confidence, without which no Government can conduct public affairs, and without which (the noble Lord must forgive me for telling him) no Government ought to remain in office.

Lord John Russell said, that he had not given expression to any opinion whatever as to the reparation made in regard to Mr. Pritchard by the French Government. If the Government of this country had obtained reparation, and if they were of opinion that it was a sufficient one, he (Lord John Russell) was satisfied that the honour of the country was safe by the arrangement so made. But what he did say was, that when countries were upon the most amicable terms, and both in a relation of cordial understanding, a question of that kind—viz., relating to the expulsion of Mr. Pritchard from Tahiti—ought to have been arranged speedily and honourably to both countries.

Sir Charles Napier rejoiced that the noble Lord had brought forward the case of Mr. Pritchard. It appeared by that that M. Bruat disapproved of the manner in which Mr. Pritchard was expelled the island. There might have been circumstances, he agreed with the noble Lord, to justify the sending away Mr. Pritchard, but the manner in which it was done was wholly indefensible. What had M. Guizot given us? It was quite true, as the right hon. Baronet had stated, that Lord Aberdeen had demanded nothing; but he had communicated the strong feeling of the British Government on the subject of the gross outrage this country had received. Although his Lordship demanded nothing, it was impossible to read the despatches of Count Jarnac without seeing, as clear as the sun at noon day, that England expected satisfaction. At first Mr. Pritchard was to have been sent back in a ship of war, but Lord Aberdeen had hinted that a pecuniary satisfaction would not be refused. In his despatch to Governor Bruat, M. Guizot had merely expressed his regret that he could not approve of the whole of the conduct of that officer; but if a British officer

had so misconducted himself, he (Sir C. Napier) had no hesitation in asserting that he would have been brought to a court-martial, and in all probability have been deprived of his commission. He would mention a circumstance that had occurred to himself. On the coast of Syria, a French officer had intruded himself into the British camp; he had not, indeed, been put into a blockhouse and confined for several days, but he (Sir C. Napier) had sent an officer to him to state how improper it was that he should be there, and he was conveyed on board a British ship of war, and from thence transferred to a French ship of war. That was the course the French ought to have pursued at Tahiti; and he (Sir C. Napier) could not think that sufficient reparation had been made for the insult. He would ask the right hon. Baronet why this event had occurred at all? Where was the British Admiral? Why was he not at Tahiti to prevent it? Why had this country only a small ketch there, while the French had a comparatively large force on the station? That had never been explained. The explanation of it afforded the real excuse for being content with the reparation afforded; it was that the present Government had reduced our Navy to so low a state, that they dared not show a hostile face to the French Cabinet. What force had we at the time? One three-decked ship at Plymouth, and an eighty-gun ship at Portsmouth; and the three-decker was actually paid off while the negotiations were pending. At the same moment, in the harbour of Cherbourg, the French had ten steamships capable of conveying 10,000 men to this country, and the next day all our works at Portsmouth or Plymouth might have been demolished without resistance. He, therefore, almost gave the right hon. Baronet credit for accepting the offered reparation, seeing that it was the best course he could pursue. He was glad that the eyes of Ministers were at last open—that they were about to construct a large steam marine, and we should then be no more exposed to insults, aggressions, and eccentricities. He trusted that having come to the resolution to construct this force, care would be taken that proper persons were appointed to superintend the undertaking, so that a much better marine of the kind might be produced than that Great Britain now possessed. He would not trouble the House longer now, and he hoped that he had expressed his opinions,

though strongly, with decency and decorum.

Mr. *Plumptre* would not have risen but for the announcement made by the right hon. Baronet, who had referred to the conduct of the late President of the Board of Trade. For himself individually, he (Mr. Plumptre) must say, that the explanation given by that right hon. Gentleman had not been satisfactory, nor even intelligible. The announcement made by the head of the Government was, that it was determined, without conditions, to make farther concessions to the Roman Catholics; and he was quite ready to allow that, at the close of the last Session, the right hon. Baronet did intimate that such was his intention. He was much deceived if that declaration did not create a considerable sensation. He was quite satisfied that a greater sensation would be excited; and feeling as he had felt, as he did feel, and as he should continue to feel, he should not consider it his duty to repress the expression of his opinion. He deeply regretted that the right hon. Baronet had felt justified in making such an announcement. He was very sorry that the right hon. Baronet, if he might so speak, had not yet learnt that the system of conciliation was an ineffectual one. Was it not plain that every new concession led to farther demands? Concession had at all times been the fruitful parent of demand, and he was perfectly convinced that it would continue to be so as long as there remained any thing to be demanded. He should not have been satisfied with himself if he had not said these few words; and he thought it his duty to add, that the course proposed to be pursued by the right hon. Baronet would be highly unsatisfactory to a large portion of the community.

Mr. *Wyse* referred to what had fallen from the right hon. Baronet at the head of the Government, on the Motion which he (Mr. Wyse) had brought forward at the close of last Session on the subject of Academical and University Education in Ireland. He had dwelt upon the justice of such demands naturally occasioned by the increasing numbers and intelligence of the population of Ireland, whether Catholic or Protestant; and to this point the right hon. Baronet in his answer assured the House he had also directed his attention. The College of Maynooth was only one branch of the subject, and it had been very specifically distinguished as such by the right hon. Baronet from all others. It was a purely

ecclesiastical establishment, intended for the education of the Roman Catholic clergy, and designed to be as effective for such purpose as any institution of the kind could be; the right hon. Baronet stated then, as he does now, in emphatic language, that the religious principles and objects of the College had nothing to do with the question; that they had already been sufficiently admitted. The grant of a small sum was as effectual an admission of the propriety of such an institution as the grant of the largest; the only question appeared to be, to how many more students the benefits of such education should be extended. The foundation of the College itself was a matter of high moral policy upon which the House had over and over again decided by many votes, notwithstanding the different changes of Government. He must frankly admit that the right hon. Baronet, as far as he had yet gone, had redeemed the pledges upon this subject which he had given at the close of last Session; the two branches of secular and ecclesiastical education were both to be taken into consideration, and he hoped in a manner worthy of their importance and dignity. With the latter, at least from what had fallen from the right hon. Baronet, it would appear he intended to deal with it in a proper spirit; he proposed to leave its regulation to the Roman Catholic clergy themselves, the only mode in which it could properly be managed in Ireland. The Roman Catholic clergy had a right to be the sole regulators of such an establishment; and it would not only take away the grace, but it would neutralize the benefit of the proposed grant, both as regarded clergy and people, if the management were placed in other, even though friendly hands. He felt that it would be unbecoming, in the present stage, to hazard more than a few general remarks, and he should reserve the expression of any distinct opinion until a future occasion; but he might state a hope that the grant to Maynooth would be of such a nature that the Roman Catholic clergy would be able to give to the institution the highest intellectual, as well as religious character, by increasing the number of professors, and by placing them not merely above want, but by enabling them to hold a high and dignified station in the science and literature of the country. The preparatory portion of education might be communicated in episcopal or other seminaries, while to Maynooth might be communicated, as far as possible,

the character of a university, or a university faculty. As to the other branch of the question, Academical Education, in a secular sense, from his recent observation of Ireland, he might say that both plan and execution would demand the utmost attention and care; but he could not collect from the use of the word "academical" by the right hon. Baronet, whether his plan was intended to embrace high schools, grammar schools, and colleges, and the University, or was to be confined to university education alone. He merely made these remarks *in limine*, because, if a mixed system of education were to be determined on, it was of the utmost importance that due provision should be made for the religious education of the different religious persuasions frequenting such institutions. He well knew the just sensibility of the people of Ireland upon this point—how much they dreaded lest the religious principles or conduct of the young should be tampered with or perverted. He hoped that effective means would be secured in any scheme which might be brought forward, not only to guard against any violation, open or covert, of the rights of conscience, but also to assure to every creed opportunities of religious instruction to the fullest extent, whether doctrinal or historic; and efficient securities provided for the preservation of the morals and good conduct of the students. [Sir Robert Peel signified assent.] The right hon. Baronet would not consider the opinions he (Mr. Wyse) had uttered on various occasions rashly formed; but he the system what it might, the success of all measures of the kind must depend upon the mode in which they were carried out. It was, above all, material that no system should be put in action until it had been ascertained that it would meet with a fair concurrence from the great body of the inhabitants of Ireland. It must not only be acceptable, but accepted. The efficacy of any grant must depend upon the manner and spirit in which it was carried into execution; the temper not only of the Protestant and Roman Catholic clergy must be consulted, but the disposition and wishes of the laity in all ranks of society; even their prejudices should be listened to with forbearance, without any attempt to organise too rigid a system, or to enforce it by a too unbending law. He said this in a sincere desire to promote the object in view; but there was another portion of the subject which he did not know whether the right hon. Baronet intended to comprehend in his

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plan; he alluded to the opening of Dublin University, which at present partook of two characters, that of a college and a university. His (Mr. Wyse's) opinion was, that both ought to be thrown open in the widest manner, reserving unquestionably all the rights of the Protestant clergy and people, but giving, also, as far as it was attainable, the full benefit of the institution to persons of all religious denominations. The present condition of the public mind in Ireland as well as the state of the question itself, induced him to refrain from further observations, and he was aware that those he had already made were not unattended with some danger. The expectations of the people of Ireland had been raised, and he hoped that they would not be disappointed by the measure announced by the right hon. Baronet, whenever it should be brought forward in detail. Reserving to himself the right of expressing his opinions on that occasion, he thanked the House for the indulgence granted to him so far on the present.

Mr. *Bellem*, as one of the Irish Members who had thought fit to attend, wished to be allowed to make a few remarks. He was convinced that, in proportion as peace prevailed throughout the world, the prosperity of every portion of the empire would be increased; and he was not one who thought that the misfortunes of England, or the more general disasters of mankind, augured well for the improvement of Ireland. He, therefore, cordially rejoiced in the advantages promised by the extension of railroads in Ireland, not merely resulting from the disbursement of capital, but from the means of employment, and the habits of industry which would thereby be introduced and promoted. He placed confidence, also, in the Landlord and Tenant Commission; that confidence he had expressed last year, and his good opinion had been confirmed by the proceedings of that body as far as they were yet known. Whatever might be the recommendations of the Commissioners, he concluded that the right hon. Baronet would be prepared to found measures upon them, and no man could possibly appreciate too highly the benefits that would result to all connected with landed property in Ireland. The present condition and relations of Landlord and Tenant arose out of the unfortunate state of affairs, and he who desired to meet and remedy the existing evils of the system deserved the highest commendation. He had last year taken some part in the discussions on the Charitable Bequests Bill, and a near relative

of his own was one of the Commissioners; but he thought Ministers had taken too much credit to themselves, when they spoke of that measure as having given so much satisfaction in Ireland. He had resided there during the last five months, and he could bear witness to the agitation occasioned by that Bill. Unquestionably great unfairness and misrepresentation had been resorted to, and many who opposed the measure did not do so *bonâ fide*, but because that nothing should meet with acceptance. At the same time he must admit that it contained provisions which were fairly objectionable, especially the clauses respecting the jurisdiction of Roman Catholics, and excepting the regular clergy. They looked exactly as if the oppressive statutes against Roman Catholics, mentioned in the House of Lords last year, had been revived; besides the provisions were not only unnecessary but incongruous, and he trusted that in these respects Government would not be indisposed to amend the Bill in deference to those persons, ecclesiastical as well as lay, who, in their anxiety to support the Government and to do service to the Roman Catholic body, had exposed themselves to no little odium. One of the most current objections was, that although at present Roman Catholics were appointed in whom confidence was justly placed, they were at the mercy of the right hon. Baronet, who might dismiss them at a moment's notice. He of course did not believe that any such course would be pursued; but what was the argument used in Ireland? That those who recently employed their Law Officers to reject all Roman Catholics from a jury, would not be over-scrupulous in taking such a step; when, too, they recollected the professions of Lord St. Germans, and the opposite conduct pursued by Lord de Grey; when they saw Sergeant Jackson elevated to the bench, the system introduced into the police, the dismissal of all Repeal magistrates, and other matters of a like kind, it was not surprising that they should entertain some suspicions of the course the right hon. Baronet would pursue. It might be urged that a great change was now apparent in the policy of the Government towards Ireland, and he believed sincerely that it was intended. For two years the right hon. Baronet had been crossed and disappointed in his designs, and now, for the first time, he had a Lord Lieutenant and a Secretary who would completely co-operate in his endeavours. If,

however, the right hon. Baronet wished that his views should not be thwarted, there were two or three obstructive underlings in the Castle who ought to be removed. As to the grant to Maynooth, the grant ought to be such, and to be made in such a way, as to give satisfaction to the clergy and to the people of Ireland; and here he could not avoid expressing his regret that the right hon. Baronet did not intend to take any steps in reference to Trinity College, Dublin. It seemed to him that it would be much better to give admission at once to Roman Catholics and Dissenters than to form a new college; but the right hon. Baronet was entitled to great praise, and he (Mr. Bellew) was satisfied that in his laudable endeavours he would meet with a full and fair co-operation from the people of Ireland, without reference to politics or party. The further he proceeded in the direction he had now taken, the more would the welfare of Ireland be promoted.

Mr. *Villiers* said, that seeing the unwillingness of the House to prolong discussion, he would occupy them very shortly. He could not help observing, upon the singular calm and good humour that prevailed in the House. He could only refer this to the circumstance of the prosperity or the great improvement which there was in the state of the country. The hon. Gentleman who seconded the Address had admitted this fact very fully. He went into some detail to prove it, and seemed anxious further to devise the causes which have produced this change. Now, considering the state in which this country had been for the last few years, considering the difference of opinion that prevailed as to the cause of the great distress which had recently existed, he thought the hon. Gentleman had done wisely in raising this question, and that he could not have presented a more important consideration to the House at the commencement of the Session. The country was now comparatively in a satisfactory state. Till a recent period it had been in a state to excite nothing but anxiety and alarm. To satisfy the public of the reason for this change would be of most essential service, and would go far to determine that question regarding trade which notoriously distracted the country at present. There were now two systems, diametrically opposed to each other, which had their respective advocates. The hon. Gentleman who seconded the Address is a supporter of one which he terms the protective system, and considers that

it is for the interest of this country to restrict its commerce, and artificially enhance the necessities of life. He was directly of the opposite opinion; he contended that the prosperity of the people depended upon cheapness and abundance, and the fullest liberty being given to the exercise of their industry and commerce. They knew that for five years past commerce had been depressed, the people had wanted employment, and the revenue had declined. They had met that evening, and had to congratulate the country on the opposite indications in all these respects; and the hon. Gentleman wished to know what had caused this change. Was it the result of the protective system, or was it from the failure of that system, and from the fruits that were expected from the opposite system having followed? He hoped the country would consider and determine. He did not hesitate to assert, that it was owing to every thing having occurred which it was the prime object of protection to prevent—cheapness of produce, and abundance of food, arising chiefly from a most singularly abundant harvest, aided by certain relaxations of the protective system. Those things had occurred: there had been abundance, and they were, thank God, gathering its fruits. The means of the community had been increased, and consumption was extended. This was the promise of free trade; this had occurred in spite of the Gentlemen opposite, and the country had to thank Providence rather than the Ministry for it. The country at this moment was prospering, and the discontented and disappointed were those who supported, and were led to depend upon protection. They had legislated for themselves, and had failed; they had been thwarted in their object by Providence; and the poor, the people, trade, and the revenue, had all profited by the result. So far as the right hon. Gentleman had relaxed the protective system, he had reason to be satisfied—he had contributed to the prosperity of the country, and he had nothing to regret as regarded revenue, or any other circumstance. The right hon. Gentleman could not point to any duty that he had reduced, with the view to diminish protection, that did not offer him reason for satisfaction, as well as ground for advancing in the same direction. It ought to be his object, as it was that of all wise men, that this country should continue in its present state, so far as it was prosperous. Of what vast importance, then,

was it to settle this question of protection, and determine whether it were not by the liberation of trade, rather than from its restriction, that the great mass of the people were enabled to possess the great essentials as well as the comforts of life. The system of protection was opposed to this. It had no object if it were not. The great question now before the country, and that really engaged its attention, was whether it was to be continued or abolished. He was induced to call the attention of the House to the fact, from the circumstance of the Member for Somersetshire having declared to-night that he would adhere to it, and cautioned the Government how they abandoned it. The importance of his opinion was that he believed he represented the opinions of the party that had been dominant in both Houses. He hoped the right hon. Gentleman would however, see the importance of consulting the great and general interests of the country, and not suffer himself to be guided by this selfish and exploded policy. The Ministers must desire that the country should prosper while they held the reins. They had now seen the impossibility of attaining that end by the protective system. It had been tried, and he was glad to hear the noble Lord, the Member for London, declare that he believed it to be not only unwise and unjust, but baneful to the interest which it was intended to serve. Nothing can be more true; his noble Friend had been led to this conclusion, no doubt, from reflecting on the experience which the country had had of it. It was a point on which he had differed with his noble Friend, and he was delighted, and he was sure many in the country would be charmed to find that he had now abandoned it, and that he longer clung to the notion that protection benefited even the interest that claimed it. When protection did for a while succeed, the necessities of life were rendered dear and scarce, and the country was in the most disastrous state—if that were not the case, let it be denied or disproved; or if the Gentlemen who uphold it can do so, let them tell the country what has been the benefit of the system. They have had their own way, they have made laws for it—where do they look for its benefits? Are the tenants of their land satisfied or well off? Is the land well cultivated? Are the labourers not in a deplorable condition? He asked them now, when the country was all attention, to learn what could be said

for its continuance, to let them know why it should not be abolished. The right hon. Gentleman was bound to settle the question one way or the other. He has the power to do it, and he (Mr. Villiers) said, that if what was termed protection, or relieving particular interests from competition, could be shown to be beneficial to the country, let it be applied universally, and then not disturbed; but, if the contrary, do not let the country be kept longer in suspense, or the Session pass over without its error being fully acknowledged. The right hon. Gentleman has now no excuse for not acting upon his conviction. He has now full power to do what he likes. In the direction of freedom he will receive the cordial support of this side of the House. He is not opposed, and he has strength enough around him to carry out his views. He has avowed himself a friend to the principles of free-trade. He has partially applied it with perfect success. He has the power to give it a more perfect application. His sincerity will be tested by the measures which he intends shortly to submit, and on him now will rest the entire responsibility of suffering the question to be still unsettled.

Mr. *Sheil* then rose and said—I may venture, perhaps, being an Irish Member, and being still of opinion that it is possible to induce an Englishman to take a different view of Irish affairs from that upon which the majority unfortunately have hitherto acted, to make a few observations, very succinctly, upon some of the opinions that have been expressed this evening. The right hon. Gentleman the late President of the Board of Trade, has left the immediate vicinage of the right hon. Baronet, and has placed himself in the more appropriate juxta-position. [Mr. Gladstone had taken his seat by the side of Sir R. Inglis.] The right hon. Gentleman has made a statement which has been heard with extreme interest, and, I will say, with concern on both sides of the House; but there is no man who feels for the public welfare who must not lament that Her Majesty is deprived of the services of the right hon. Gentleman. I cannot help thinking it unfortunate that the statesman should be sacrificed to the author—and that the right hon. Baronet should have reason to say, “Oh that my Friend had not written a book!” The right hon. Gentleman, however, in that book—for it was impossible to read it without remembering almost every passage of it—at least it was impossible for me to

read it without remembering that part of it which bore upon Ireland—did distinctly state upon the question of Maynooth, that he conceived the question was one simply of contract. “If,” he said, “the Irish Parliament contracted for the establishment and maintenance of Maynooth, it ought to be maintained in a manner befitting the dignity of that great task which it had to perform, and also befitting the dignity of the donor from whom the endowment was derived. If it were not a matter of contract, it should be suppressed.” That it was a matter of contract we have the decision of the two Houses of Parliament. At the time of the Union care was taken to pass an Act of Parliament, maintaining the establishment of Maynooth. The British Parliament continued its grant from that day to the present, and I say that it was not virtually a contract, but a contract to all intents and purposes entered into by the Irish Parliament, and ratified by the Imperial Legislature. With respect to the College of Maynooth no candid man can possibly deny to the right hon. Gentleman the highest praise, not only for the grant he is disposed to make, but for the manner in which that concession was declared. He declared that the grant was to be large and liberal—commensurate, of course, with the increased wants of the country. If 8,000*l.* were given when the Catholics were only 3,000,000, now that they were nearly 8,000,000 the grant should be increased in the same proportion; and, with respect to the manner in which he announced to us that no interference on his part with the discipline and doctrines of the Catholic clergy should take place, his intimation was most valuable, and was set off by the gracefulness with which it was made. But, having said thus much, I cannot help desiring that he had been more explicit with regard to Academical Education. He was so explicit as to Maynooth, that I wish he had also told us what he intended to do with respect to Academical Education. He intends something. I warn him that he will find great difficulty to contend with, both here and in Ireland. In Ireland it is a point of honour that Trinity College should be thrown open to Catholics. The hon. Member for the University of Dublin intimates dissent from that opinion. Does he mean to say, that when every fellowship, every professorship in the College, is closed against Roman Catholics, that the University of Dublin is open? Does he mean it? The hon. Gentleman is a Mem-

ber of that College; he was eminent in scholastic disputations; but can he get up in a British House of Commons, and state that the University of Dublin is open, when the fellowship, the scholarships—70, I believe, in number—and which are the avenues to fellowship for men whose indigence is in direct ratio with their genius, are closed to Roman Catholics? Some of the most eminent men at the Irish bar, some of the brightest ornaments of the Irish senate, were educated in that University, and obtained subsequent distinction by the scholarships of Trinity College. I believe the revenues of this college are 40,000*l.*; they have 400,000 acres of land; but from this great national establishment—for such it is—Roman Catholics are excluded. It is not open. Is it right that exclusion should continue? It is a point of honour with us, and honour and interest are nearly identified. We want equality. We insist on equality with Protestants in all regards; but if we are excluded from the fellowships of Dublin University, you will not by your measure attain the object it professes to have in view. Will not the people of this country ask, “Are we to pay with Scotch and English money? Are we to pay out of the Income Tax of England for colleges in Ireland, when they have already an University, with ample funds, from which Roman Catholics are excluded by the spirit with which the penal code was dictated, and to which I feel sorry to say, some will still be induced too pertinaciously to adhere.” He will have these difficulties to contend with both in England and Ireland. I ventured to warn him on the Bequests Bill of the difficulties in which he would be involved, and I venture to predict that the difficulties of which I now warn him will be too speedily realized. The right hon. Baronet took at bad heart some of the observations of the noble Lord. I admit they were caustic enough; but the right hon. Baronet spoke of the “small insinuations” of the noble Lord. I do not think those insinuations were small. The noble Lord did not limit himself to the Bequests Bill; he said, “you have mismanaged Ireland.” He reminded you of the State Trials—he reminded you of the judgment of the Lord Chief Justice—of the exclusion of Catholics from the Jury—that the Jury was not open, and no man knows that better than the hon. Member for the University of Dublin—of these things he reminded you, but the right hon. Baronet has forgotten these “small insin-

nuations" in the course of his reply : he did not advert to any of them, but stuck to the Bequests Bill. For the intentions with which that Bill was dictated you deserve credit ; but you made a mistake, and you were warned of it at the time, and the noble Lord only adverted to-night to that circumstance that you were warned—that I warned you. We said the Catholic Synod sits twice a year ; there are 22 Catholic bishops and four archbishops. It was intended more immediately to affect the Catholic Church than any other body. You ought to have consulted them—you did not. [Sir R. Peel : We had no memorial from them.] Do you mean to say you had no memorial to introduce clauses against the regular clergy, to restrict their right to landed property within certain limits ? Don't you know that Dr. Murray, who accepted office for a certain period, strongly condemned some parts of that Bill ? Are you prepared to make any alterations in that Bill ? Dr. Murray says he went to the Castle—a perilous thing for a Catholic bishop to do. Intimations were then made to him by Lord Eliot and Lord Heytesbury, that changes would be made in the Bequests Act. Will you carry into effect those intimations so given at the Castle ? Answer me that. The Secretary of State for the Home Department has not yet spoken. Will he say that we are to have the changes in that Act which have been recommended by the Roman Catholic Archbishops ? It was a mistake to restrict the right of devising property within a certain period of time, and not to follow the same rule respecting bequests of real and personal property. In Catholic countries, no doubt, the danger that the Church might acquire great tracts of territory is to be apprehended ; but in Ireland such an evil cannot arise, at least for a considerable time. I say, then, that you should, at all events, have consulted the Roman Catholic Bishops on those points, and obtained their assent to them. The right hon. Gentleman was angry at being told that the Roman Catholics of Ireland do not confide in his Government. Now, I venture to say that the transactions that took place within the last year have not been calculated to enhance the confidence of the Irish Catholics in the right hon. Gentleman's Administration. A series of events took place at which he has not glanced, but which are fresh in the memory of every man, and it is therefore unnecessary to dilate upon them on the present occasion—events which the right hon. Baronet

must feel to be such as were little likely to render the public mind in Ireland susceptible of any very favourable opinion towards his Administration. My hon. Friend, the Member for Louth, is more sanguine on the subject than I am, and expects great good from the Landlord and Tenant Commission ; but why does not the Speech mention that measures are in contemplation connected with the Report of that Commission ? The Report is before you. [The Chancellor of the Exchequer (smiling) : There is no Report.] The Chancellor of the Exchequer is very much given to mirth. The right hon. Gentleman, when performing his sitting part is one of the most hilariously disposed Members of the House ; but it is rather an artificial merriment, for when upon his legs he becomes one of the most lugubrious. There is nothing very ludicrous in my not knowing whether the Report of the Commissioners was or was not before the Government. I have only one more observation to make—the Irish Registration Bill is not mentioned in the Speech. It was adverted to by my noble Friend who made the conduct of the Government upon it a matter of severe criticism, describing the course which was taken in reference to it by Lord Stanley and by the right hon. Gentleman opposite who abstained from attending to it. I now ask the Secretary of State for the Home Department whether he means to bring in a Registration Bill for Ireland, and whether in that Bill he will verify his aphorism, that concession has reached its utmost limits ?

Sir J. Graham had not intended to address the House, nor did he even now feel himself called on to prolong the debate for any length of time ; but the right hon. Gentleman who had just sat down had put two questions to him so pointedly, that he thought he should be acting disrespectfully towards him, and, indeed, towards the House too, if he failed to give an answer to both. He would first answer the question which the right hon. Gentleman put last, by stating that it was the determination of Her Majesty's Government to propose an Irish Registration Bill in the present Session. As regarded the period of its introduction, he thought it quite clear, from what had been already stated by his right hon. Friend at the head of the Government, that measures of vast importance to the country at large must have precedence of it. In the course of next week his right hon. Friend would open] his financial

scheme, which embraced changes in taxation and in Duties of Custom requiring to be immediately brought in detail under the consideration of the House, and the discussion of which would occupy a considerable time. He might say, that there were also other Irish measures which must have precedence. Looking to the position of the question of Maynooth, to the declaration which the right hon. Gentleman, the late President of the Board of Trade, had that evening made in reference to it, and to the declaration expressed by an hon. Member behind him, that it was his intention to oppose the Government upon it, he thought it would be highly inexpedient to postpone not merely the discussion but the decision of the House upon that question to a distant period: of course, precedence must be given to the measure of finance. He had only therefore to say, that it was the intention of Her Majesty's Government, in the present Session of Parliament, to bring under discussion, and he hoped to a satisfactory conclusion, a measure for the improvement of the registration of voters in Ireland. The right hon. Gentleman touched upon another subject of vital importance as related to the administration of affairs in Ireland. The right hon. Gentleman gave credit to the Government for conceiving and executing, in a fair spirit, the Bequests Act of last Session; but, at the same time, he referred to what he considered two particular defects. Upon one of these—the assimilating of the law of Ireland to that of England as regarded the limitation of time within which bequests of real estates to be considered valid, must be executed before death—upon that point, it being a matter of public policy to assimilate the law, he could hold out no hope of any alteration. The other was a point which admitted of some doubt. The Government had stated that, with respect to the regular clergy in Ireland, it was not their intention directly or indirectly to place those clergy in a worse position than they stood before the passing of the Bequests Act. It was thought by some that the effect of the general enactment, might be equivalent to the virtual repeal of certain clauses in the Relief Act. The Government, deeming it necessary to guard against such an effect, introduced the 16th clause, declaring that anything contained in that statute should not be held to have the effect of such virtual Repeal, while in the last clause of the Act it was set forth that nothing in the Act contained should place the regular

clergy in a worse position than before the passing of the Act. After consulting the highest legal authorities, the belief of the Government was, that the regular clergy were in no degree damnified by the Bequest Act. As yet they rested upon that opinion, an opinion deliberately given by the Law Officers of the Crown in Ireland, which they had not seen disputed; but he had no hesitation in telling the right hon. Gentleman, that the conversation to which he referred as having occurred between the Lord Lieutenant and Dr. Murray, was accurately reported to him—that Her Majesty's Government had assured Dr. Murray and the other Roman Catholic prelates in Ireland who, much to their credit—and in spite of a great deal of obloquy and of contumely—had calmly and boldly accepted a trust which they felt called upon to execute in connexion with their holy position—that Her Majesty's Government had given to them an assurance that, if upon full deliberation, they should be of opinion that contrary to their intention, the position of the regular clergy of Ireland was injuriously affected by the joint operation of the two clauses of which he had spoken, they would propose an alteration of the law in that respect.

Mr. *Shaw* had been so pointedly referred to by the right hon. Gentleman (Mr. Sheil) that he trusted the House would allow him to offer a few words of explanation on some matters of fact that had been observed upon in the debate, while he desired carefully to avoid committing himself to any opinion upon the measures the Government had announced, until they should be regularly before the House. He had stated across the House, during the speech of the right hon. Gentleman (Mr. Sheil), as the fact was, that the University of Dublin was open equally to Roman Catholics as to Protestants for all the purposes of education, and that, not only in theory, but practically, the Roman Catholic gentry enjoyed the full benefit of its honours and degrees; this could be attested by the right hon. Gentleman himself (Mr. Sheil), and also the hon. Member for Waterford (Mr. Wyse), who had both been educated in the University. As regarded the governing body, no doubt it was, and necessarily, confined to Protestants of the Established Church. The University of Dublin had been instituted since the Reformation, and the fellowships and scholarships of the House were founded for the education of the clergy of the Established Church. Not

only were the fellows required to be members of the Established Church, but the great body of them must be ministers of that Church, and the scholars of the house had to take part in the services of the Church. When, then, all the studies of the University of Dublin were equally open to every persuasion, and Roman Catholics not only could, but did, in proportion to their numbers in the educated classes of society in Ireland, obtain a complete university education there, it was most unreasonable in Roman Catholics to clamour for admission to the governing body of an establishment which was essentially Protestant, and essentially connected with the Established Church in Ireland. Nor did he hesitate to avow that any attempt to open the governing body of the University of Dublin to Roman Catholics, would be a complete subversion of the express object of its foundation. There was another question of fact that had been referred to by the noble Lord (Lord J. Russell), upon which he (Mr. Shaw) might be permitted to make an observation before he sat down—it was relating to the State Trials in Ireland. The noble Lord seemed anxious to give currency to the popular fallacy, that because it was stated on the Record that sixty names had been fraudulently omitted from the panel, and that statement having been demurred to—must, in fiction of law, be assumed for the sake of argument to be a fact—that, therefore, such was really the case—the difference being, in truth, that instead of sixty names having been omitted by fraud, twenty-four were omitted by accident. He had felt at the time of the Trials, that it was unfortunate the issue could not have been joined on the averment in the challenge that sixty, or any number of names had been omitted by fraud, as then the whole matter could have been explained on the moment, and the law would have been the same—whether the accident had been committed by the Sheriff or the Officer of the Sessions Court—it could not have invalidated the panel. He at the same time believed that the Crown Counsel were well advised in demurring to the vague statement the challenge contained, although the consequence naturally was, that the mere legal result of a technical rule of pleading was abused to party objects, as it had been that night by the noble Lord, as if it had been a real fact. It was very right that Lord Denman, when dealing with the Record alone, and necessarily assuming the fact as it was

there stated, for the sake of argument, and precedent in other cases, should give his legal opinion as if sixty names had been fraudulently omitted; but it was most unfair of the noble Lord (Lord J. Russell), when treating of the particular case, and speaking of it as a practical grievance, to confound two things so perfectly distinct as, a technical averment in pleading that sixty names had been omitted by fraud, and the simple fact that twenty-four had been omitted by accident.

Viscount *Palmerston*: The statement of the right hon. Gentleman, as a proof that the University of Dublin is open to Roman Catholics, excepting the scholars and fellows, appears to me to be very much the same as if it were said before the passing of the Relief Act, that the career of the army was open to them, barring the commissions from ensign and upwards. My right hon. and learned Friend has so completely vindicated my noble Friend from the charge made by the right hon. Baronet, of casting unfounded imputations on the Government, that it is not necessary to say another word upon the subject. My noble Friend undoubtedly reminded the Government of what nobody can deny—that, owing to past events, there does exist in the minds of the Irish people a degree of distrust of the present Government, founded on the conduct and the language, as my noble Friend put it, of that great party of which the right hon. Baronet is the head, which does make them receive with suspicion gifts and boons coming from that right hon. Baronet. That is a fact which unfortunately nobody can or does deny. I readily admit, that if the right hon. Baronet goes on in the spirit in which he has announced his intended measures this evening—and if the Irish people find that he is really prepared to consult their feelings, and regard their interests, and act upon that liberal system which he has announced it to be his intention to adopt, he may hope to conquer their suspicions; and that the detractions from the measures he proposes, may, in due time, cease to exist. Instead of agreeing with the hon. Member behind the right hon. Baronet, who said that concession is the parent of demand, I should rather say that concession, generally speaking, has only been made when extorted by long continued demand, and that such concessions have moreover been, unfortunately, too often clogged by restrictions, and narrowed by limitations, which deprived them of much of their

grace and their advantage. I hope the right hon. Baronet will not, after the announcement which he made this evening of the measures he is going to propose, fall into that error, but endeavour to make those measures at once liberal, full and perfect. I entirely concur in those expressions of satisfaction which have fallen from the hon. Members who moved and seconded the Address, at the interchange of visits that has taken place between the great Sovereigns of Europe and our own Queen. I am sure that those visits must tend, as has been stated, to render the good understanding between our Government and the Governments of those Sovereigns more permanent, more likely to continue as we should wish it to be, and more calculated to benefit not only the countries concerned, but the peace and interest of all the other nations of Europe; but when we look back at what has passed even in the last year, it is impossible not to feel that some limit must be put to anticipations of that description. It was only last year that on both sides of the Channel after the visit of Her Majesty at the Chateau d'Eu, expressions were uttered in the Chamber of Deputies at Paris, and in that House, of perfect cordiality and good understanding between the two countries; but what is the benefit of such understandings? In ordinary circumstances, when no question arises between them, the existence or non-existence of such cordialities is felt chiefly by those who represent the two countries; but the benefit of a good understanding is chiefly felt when there arises between those countries a question, which if there was not that good understanding, would be calculated to interrupt their friendly relations. And I am grieved to say, from what I think the mismanagement of both Governments, that the cordial understanding which was so much boasted of last year, failed on the first occasion upon which it was brought to bear on an international question; and that an affair which of itself was not calculated to interrupt the friendly relations between the two countries did, as stated on both sides of the Channel, bring these two countries to the verge of a rupture. I allude to the gross outrage, as it was described by the right hon. Baronet, upon the person of Mr. Pritchard. I utterly deny the position which was laid down in France, and which appeared to be acquiesced in by the Government here—that Mr. Pritchard was not a consular officer at the time the event took place. I understand that he was at the time

in possession of the commission of Consul of the Island of Tahiti, granted him by the Government of this country; that he had been informed that he was to be removed to another destination; but he had not received the official order to proceed thither, and that he had only suspended his functions *quoad* the intrusive French officers who had insulted Queen Pomare, and assumed the sovereignty of the island. Mr. Pritchard, therefore, was most distinctly an officer holding a commission under the British Crown, as Consul; his case would be much the same as, supposing that a war were unfortunately to break out between France and Austria, and that either the French army going to Vienna, or the Austrian army going to Paris, the British Ambassador were to cease his functions (though the British were not concerned in the quarrel), because an insult were offered to him. I fancy that in such a case no man would contend that an insult so offered was not offered to the British Ambassador, and was very different from an insult offered to a simple British traveller. I agree with my noble Friend, that if there had been any charge against Mr. Pritchard that could have been substantiated—that he was engaged in intrigues inciting resistance to the authorities (though temporarily established by France), in such a manner as to endanger the tranquillity or peace of the island; then, I am prepared to admit, I say, that whether he were a Consul or not, the French authorities at the place would have been entitled, as a matter of self-defence and security, to require him to retire from the island. And I think with regard to this, that it is not endeavoured to establish any distinction between his character as Consul, and simply as a British subject; but, I say, that it was incumbent on them, before they ordered him to withdraw, to show that they had a *prima facie* case against him. No such case has, however, been laid before the French Chambers. I will not follow the example of the right hon. Baronet, who, after having at the commencement of his speech acceded to the doctrine of my noble Friend, that it was inexpedient to refer to the French Chamber, did so at the conclusion; but I will at once speak of the documents which have been laid before the French Parliament and before the public, and I say that in those documents there is not the shadow of an allegation of any misconduct on the part of Mr. Pritchard to justify his removal, even in the most courteous manner, from the

island of Tahiti. If you read with attention the statements made by the French officers to the French Government, it amounts only to this, that he was suspected of being liable to suspicion—the old charge made in the days of the French Revolution against persons at whose door no crime could be laid. Because M. D'Aubigny chose to say that he thought it necessary to establish the superiority of the French on the island, he treated Mr. Pritchard in an outrageous manner. I say, then, that there was not, on the showing of the French officer, any justifiable ground even for the removal of Mr. Pritchard; undoubtedly there was no possible pretence for that cruel, and insulting, and outrageous treatment which Mr. Pritchard received, and which it is fair to say the French Government admitted to be unfair and indefensible. My hon. and gallant Friend near me (Sir C. Napier) adverted to another thing which added to the ground of complaint against the French officers, which is, that Mr. Pritchard, being invested with a consular character, was arrested when he was in company with the officer commanding the only British ship in the harbour, and when he was therefore, in a manner, under the protection or convoy of that naval officer. I say, then, that here was without doubt a great outrage committed, and I believe that it was the fault of both Governments that that outrage occurred. Why was the occupation of Tahiti ever ordered or accepted? Any man who had any common foresight must have seen that the acceptance of the protectorship by the French must have led to a collision. What, let me ask, has been the condition of Tahiti for the last thirty years? The Government had been a species of theocracy, and its affairs had been administered by British Protestant missionaries. When, therefore, an attempt was made by France to take upon itself the government of the country by a naval and military force, and the substitution of Catholic instead of Protestant missionaries, could there be the possibility of a doubt that it would lead to discussions between the two Governments? Was it possible that the change could be made without a struggle on the part of the missionaries in possession to maintain their place, even though they did, by such conduct, involve the two countries in discussions of a most disagreeable character. Yet the Government of France, which I believe is perfectly sincere in its desire to maintain a good understanding with England, ordered

the protectorate; and the Government of England, which is equally anxious to have a good understanding with France, declared, by one of its organs in Parliament, in March, 1843, that it viewed that proceeding with satisfaction, and believed that it was justified in anticipating from it advantageous results. And I must say that those two Governments—the one either in ordering or sanctioning, and the other in expressing its satisfaction at the event, did show a want of foresight or a want of knowledge and of acquaintance with the facts which did little credit to the sagacity of either. But, then, even after the protectorship had been permitted, might not the outrage, at any rate, have been prevented? The British Government ought to have foreseen that the proceedings at Tahiti were of such a nature that they might lead at least to serious discussions, and they might have remembered, too, the opinion which they tendered to us, that in the state of any doubtful relation, such as we were in with regard to China, we should always have a stout frigate on the station. And I think that in this case, not one but two stout frigates should have been stationed for the protection of British interests at Tahiti; for I believe that had there been two frigates at the time in the harbour of Tahiti, the matter would have been disposed of in a much more decorous manner, whilst it would have been less likely to cause unpleasant discussions between the two Governments. The question now, however, is whether this Government has obtained that satisfaction from France which the country has a right to expect. I am not one of those who think that in cases of this kind, where there really is a friendly feeling and a good disposition existing on both sides, it is wise or advantageous to place the idea of the satisfaction necessary at too high a point. I think where there is good will exhibited, and an evident desire to smooth the differences that have arisen, that the Government offended ought to be rather easy as regards the amount of satisfaction which it requires. And I am not prepared altogether to say that there is any great ground for this country to complain of the result as it has turned out. That is to say, that unquestionably if the alternative had been at last between being content with the small satisfaction offered, and proceeding to the extremity of war, I think that the right hon. Baronet (especially considering the circumstances alluded to by my hon.

and gallant Friend) acted wisely in accepting the satisfaction offered. But although I think that in cases arising between friendly Governments it is neither desirable nor useful to strain too high our expectations of redress, yet I must say that the British Government does not appear, judging from the communications laid before the French Chambers, to have acted throughout the business altogether in such a manner as should be satisfactory to this country. In the first place, the right hon. Baronet began by stating the nature of the affront as highly as it could be stated. He called it a "gross outrage, for which no doubt ample reparation would be given." It is quite true that no actually formal demand was made; but it does appear from M. de Jarnac's despatches to M. Guizot, that information was given to him (though not by a formal demand) that the British Government expected the recall of one of the French officers from Tahiti—I suppose of M. D'Aubigny; also M. Jarnac stated that the Secretary of State had shown him the draught of a despatch intended to be sent to Lord Cowley announcing the intention of the British Government to send back Mr. Pritchard to Tahiti in a ship of war. One was virtually a demand; the other was something very like an official announcement. Neither of these things was done, nor was the object for which they were mentioned obtained. The French Government said, that the return of Mr. Pritchard was inadmissible, and that it was impossible to recall either of their officers. The French Government, however, stated in their communications to the British Government, that which they did not appear to have done, viz.—that they would express, as they did on the spot, their regret at and disapproval of the conduct of Lieutenant d'Aubigny; but if you look at the despatch of the Minister of Marine, which is the execution of that assurance, it contains certainly expressions of regret, but not of disapprobation of his conduct; on the contrary, it expresses approbation (though not in this particular instance) of the general zeal and activity which he had displayed. If that despatch, therefore, is the only one that was written to the officers of Tahiti, it does not appear that Her Majesty's Government has received that satisfaction which the French Government asserted that they were prepared to give, or had actually given. Now, Mr. Pritchard, being, as I hold, without any distinct or tangible accusation made against

him, has, nevertheless, been a sufferer to a considerable amount in pecuniary affairs, for I am told that he has lost nearly two thousand pounds in actual property by his abrupt and forcible removal—independently too of the indignity and personal suffering to which he was exposed. Whatever it may have been intended for, I certainly think it was a very flattering compliment paid to Mr. Pritchard, when Lieutenant d'Aubigny announced in his general order (though not in these precise words), that so great was the love, and respect, and attachment felt towards Mr. Pritchard by the natives of Tahiti, that he thought the best threat he could use to deter them from offering violence to French property or to French life, was to say that Mr. Pritchard's property should be made answerable for the loss of French property, and that Mr. Pritchard's life should answer for every drop of French blood shed. That threat, however, complimentary though it might be, must of course have placed Mr. Pritchard during his confinement in a state of very considerable anxiety and alarm. Though I am not disposed, therefore, to say that Her Majesty's Government was to blame for accepting the very small satisfaction which after so long a negotiation they obtained, yet, looking back to this fact, that the two Governments were brought almost to the verge of a rupture by circumstances which might, by the exercise of greater sagacity, have been prevented,—I must say that the proceedings of the Government do not inspire me with any confidence in its sagacity or any well-grounded hope for the future peaceful relations of the two countries. I do not depreciate the visits of Sovereigns, but however gratifying they may be, they do not impress me with such entire confidence with regard to the maintenance of our mutual peaceful relations as to lead me to think that the precautions of the Government for the protection of the country may not be exceedingly useful and deserving of the support of the House. But to turn to another subject—notwithstanding that the right hon. Baronet would much prefer that nothing should be said for a long time about the Commission to examine into the Treaties upon the Slave Trade, yet I must—[Sir R. Peel: Only till we have the Documents.]—Well, if the Documents with regard to the Right of Search are as long in coming as those for which I moved in August last, with reference to the Negroes landed on the Continental Islands of America, I fear that the

discussion will be postponed for a much longer period than the House would like to wait. [Sir R. Peel: I'll make amends by giving you the Right of Search Papers to-morrow.]—Very well; but I should like the Negroes too. I think, however, if the Commission be appointed to examine whether any other measures can be devised better than a mutual Right of Search for the suppression of the Slave Trade, that the question is so clear that I may just as well be answered at once without a Commission at all—because there is no man who has the least common sense, but must know that without the Right of Search nothing effectual can be done to suppress the iniquitous traffic in slaves. To inquire for measures as a substitute for the Right of Search would be a mere farce, and one to the enactment of which I should be sorry to see two such eminent men as the Commissioners lend their talents. If they are advised to recommend some measures in addition to the Right of Search, that might really be an inquiry productive of some advantage; but when I hear what the right hon. Baronet at the head of the Government said this evening, and when I remember the course pursued by the Government with regard to the Slave Treaty of 1841, I am afraid that they are not in search of additional measures, but of something which shall, in their opinion, be a pretence for abandoning the Right of Search; and we are thus, out of compliment to the French Government, about to sacrifice the great and important principles to preserve which the British Parliament, and every Government but this, has not only professed a desire, but has shown by its conduct that such was its most anxious wish. I repeat, that to appoint a Commission to inquire whether the Right of Search is essential for the Suppression of the Slave Trade, is just about as rational as appointing a Commission to inquire whether two and two make four, or whether they can make anything else. It is a perfectly self-evident proposition—no one can doubt it—that, unless you have a maritime police, it is impossible, absolutely and physically impossible, to put down the Slave Trade. I know that some projects have been spoken of as substitutes for it; that we could have, for example, a foreign naval officer to cruize in our cruisers, and that there should be a British officer on board every French cruiser; and then, I suppose, if it is to be done for one Power it must be for another, and then there

would be perfect little Noah's Arks sailing about; naval officers by pairs in these Slave Trade cruisers! The idea is perfectly absurd, and any man who intends seriously to propose such measures as that means nothing less than to get rid of the Treaty altogether, and to render it perfectly inefficient. The right hon. Baronet, however, says, "But you must consider, Gentlemen, that when the Treaty becomes odious to a country, the subordinate officers of a Government will not execute it with the alacrity and zeal that they did before, and it becomes useless." But the right hon. Baronet forgets that the value of this Treaty does not depend upon the alacrity, the zeal and ability of French subordinate officers at all, but upon our own officers; and whatever may have been the disposition of any foreign country to assist you in the suppression of the Slave Trade, I do fear that nothing effectual has been done towards its accomplishment by the naval force of any country, except that of Great Britain. But the argument of the right hon. Baronet leads simply to this,—that whatever Treaty you may have made, the moment the country you have made it with becomes dissatisfied, you are to give it up, and to say, "Oh, surely, if you don't like it, you may take it back." Why, what would become of the settlement of Europe by the Treaties of 1815? The moment that the right hon. Baronet yielded this Treaty, on account of the violent articles in the French newspapers, they would play you the same game again, only with much more force and spirit, because then they might have more important interests to serve. In this case you have no interests of your own to serve in maintaining the Treaty—none, except that you regard it as the necessary means of putting down the Slave Trade. Your cause is none other than that of humanity and generosity; you have a right, therefore, to stand on the Treaty, and I say, if the Government had known its duty, that it would have done so, and would have said to France, "We will enter into no negotiations with you upon the subject unless we contemplate the substitution of some measure for the Right of Search. We contemplate no such substitution, and we should only mislead you if we held a sham negotiation with you to enable the Minister of the day in Paris to answer an Opposition Speech." That is the real state of the case. But more than that, because whence arises the clamour in France for the aban-

donment of the Right of Search? I don't deny that there may be men in France who are misled, and who think that the national honour is concerned, where it is concerned the other way; because I say that it is as much for the national honour of France to put down the Slave Trade as for the national honour of England. It is as notorious, however, as the sun at noon-day, that the clamour to which I refer as having been raised in France has been raised solely by the slave traders and slave holders—it is just a repetition of the cry raised some time ago in Lisbon. It is then to the clamour of such men as those that the right hon. Baronet is about to give way; and whilst on the one hand he professes the most ardent desire for the suppression of the Slave Trade—refusing to admit cheap Brazilian sugar on the miserable pretext that the Slave Trade might be encouraged if he did so, at the same moment he is consenting to a negotiation which, if he perseveres in his object, is negotiating to surrender that Treaty which is the foundation of all our measures for the suppression of the Slave Trade. I say, therefore, that I will not wait for the Documents, because I have knowledge enough of the facts to form an opinion upon the matter. If, indeed, the Papers shall show that in consenting to this negotiation the right hon. Baronet has dealt fairly and candidly with the Government of France, and has told it explicitly that he will not give up the Right of Search, because he knows that nothing can be done for the suppression of the Slave Trade without it, the case would be different. It may be said, in answer to this, that the French will emancipate their Negroes; but even were they to do so, it would be no equivalent for the Slave Trade, which would still continue in Cuba and the Brazils; nor would such an act affect the amount of that trade. The truth is that there is but a very limited Slave Trade in the French colonies. This is, however, I do say, a question for the Government of France to decide upon, and not one which it at all concerns the Government of England to trouble itself with. In my opinion, it is not fitting for us to drive the French Government into such a course as has been contemplated by giving up measures so extensive and well organized, as well as so necessary for properly carrying into effect the most anxious wishes of the Parliament and people of this country, expressed over and over again in resolutions and in addresses to this House (which were, however, certainly open to the objections

made by the right hon. Baronet to one which I brought forward last year) on the subject of the Slave Trade. Why there would, on examination of the Journals of the House, appear continual addresses, praying the Crown to institute measures with such and such provisions for the suppression of the Slave Trade. In fact, there is no question whatever, on which the Parliament and the nation have expressed their opinion so frequently, so unanimously, and so strongly, as upon the necessity of the English Government exerting all its influence to put down the Slave Trade. As to myself, I can certainly have no possible objection to the course which I have so much reason to fear that the present Government will take upon this question; because, if I wished to found any great distinction between the principles of Her Majesty's Government and those of the late Administration, to which I had the honour of belonging, or were desirous of finding some marked difference between the two, it would be, that I should be able to say that our Government had concluded the Treaties of 1831 and 1833, and had engaged in negotiations respecting a further measure in 1841, and that Her Majesty's present Ministers had refused to ratify the latter, and had lent themselves to a negotiation for the purpose of cancelling the former Treaty. I would, or could, wish for no fairer or better distinction to mark the spirit and the principles of action of the two different Governments. I hope, however, that the right hon. Baronet does not mean to give us the opportunity of making the former boast, and that the negotiation of 1841 may not be allowed to fall to the ground. I shall not trouble the House with any lengthened remarks, but I cannot sit down without declaring that I am glad to find that the state of the naval force of this country is attracting the attention of Government, and that steps are being taken for its greater efficiency, though there had been a period when there was a more immediate necessity for using it, and when the right hon. Baronet did not think it expedient to embarrass the pending negotiations perhaps with that very prudent conviction. However, better late than never. I am glad to see that the subject has attracted the proper attention of Government, and I can assure them that I will give them the most cordial support in their efforts to improve and maintain this portion of the public service of the country, so necessary to her welfare, peace, and prosperity.

Sir R. Inglis said, that the noble Lord could hardly be more interested than he was upon the question of Tahiti, more especially with reference to the missionaries, by whose labours, under the blessing of God, the most extraordinary conversions to Christianity had been effected. It was not with regard to the personal character or conduct of the Rev. Mr. Pritchard alone, but for the sake of those who had been engaged in the ministry for more than fifty years, that he took up the question. Although he declined to follow the noble Lord through all his remarks on the subject, still he could not but express the regret he felt that the noble Lord had assumed the line he had chosen to adopt with regard to the present question. The noble Lord stated that his (Sir R. Inglis's) right hon. Friend had acted wisely and prudently in accepting the reparation offered by France, small as it was, and he (Sir R. Inglis) would not quarrel therefore with that conduct, or do anything which might have a tendency to disturb the negotiations for that reparation, small as it was, more especially when he recollected how the least word uttered in that House—perhaps imperfectly reported, and imperfectly translated—might go far indeed to create that greatest of all evils which the noble Lord, he was sure, would deprecate as strongly as any man in the House; indeed, he had done so most strongly—namely, a collision between the two Governments, which might end in a war between England and France, and consequently lead to general hostilities throughout the world. He did not accuse any one of being guilty of any such intention; but with the impression upon his mind that he had stated of the danger of any discussion on that subject producing from the causes he had named a collision between two such bodies as the British House of Commons and the French Chamber of Deputies, he thought it the more prudent course not to venture upon following the noble Lord through all the topics of argument with regard to Tahiti. With regard, however, to the Right of Search question, upon which the noble Lord had also addressed the House, he did not think the noble Lord had acted most prudently, or exercised the soundest discretion. The noble Lord might justly take credit to himself for his exertions in connexion with that question; and he would be the last man in the House to detract from the praise he had so fairly and honourably acquired by his energetic and deter-

mined measures, and more particularly by the part he had taken in the negotiations of 1831 and 1833 to suppress the Slave Trade. Upon that matter the noble Lord came into the House, not merely with hands perfectly clean, but with the credit of having acquired the gratefully admitted sense of the country as to having done much to carry out the wishes of the people in the suppression of the Slave Trade. He admitted the merit of the noble Lord most fully in his past efforts; but surely he was most inconsistent when he prejudiced the effect of negotiations now pending by the tone in which he treated them, and used such a phrase with reference to them as “mock negotiations.” He did think that such an expression would not have been uttered by the most inconsiderable Member of the House; and he submitted it to the noble Lord's judgment whether it was language which he would advisedly adopt, or whether he would lend his station and high character to such a phrase upon due deliberation, more particularly as one who had taken a leading part in the councils of the nation. Having thus briefly alluded to foreign affairs, he would turn to the statement of the right hon. Gentleman who sat at the left of the noble Lord (Mr. Sheil) in reference to a subject of nearer interest. That hon. Member had warned not merely the head of the Government, but all people whatever, that, no matter what measures of conciliation they might bring forward—nothing, nothing whatever would satisfy him and his fellow-countrymen in Ireland, but the demolition of the Church. With regard to those measures which the right hon. Baronet might be expected to bring forward, he (Sir R. Inglis) firmly believed that they were proposed not merely with a view to conciliation, but with respect to the right hon. Baronet's deep sense of right and justice. He gave him entire credit for the intention not merely of conciliating, but by such measures and with such means as were consistent with his own sense of duty. On these points he differed with the right hon. Baronet, nor could they both regard the question in the same light; but he did not rise then for the purpose of stating the grounds of those differences, but to warn him not to expect to pacify Ireland by that or by any other concession. The expression of the face of the right hon. Member opposite (Mr. Sheil), seemed to intimate some dissent from that proposition; but he asked the hon. Gentleman if he did not interpret his language correctly,

when he declared that its plain meaning was, "It is not the establishment of Maynooth or the foundation of colleges for general education that we require—we make it a point of honour"—and then the right hon. Member had laid an emphatic stress upon the words and repeated them—"we make it a point of honour, that the University of Dublin shall be open to us." Now, if that were a correct interpretation, if such were indeed the case, he called upon those Gentlemen who were prepared to go on in the work of concession, but not to the full extent of the hon. Member,—he called upon them earnestly to pause, ere it was too late, and not to concede principles, when they were distinctly and authoritatively told that they would not suffice to pacify those whom their demolition was intended to conciliate. The hon. Member had said, that "the honour and interest of the Roman Catholics of Ireland were nearly the same on that point," and in that sense he (Sir R. Inglis) did admit that it was so; but it was not to be inferred from that, that to follow interest was to follow honour. He could imagine that the right hon. Member might not at once be prepared to agree with him, and he did not mean to say that he was inconsistent with regard to declarations made fifteen or sixteen years ago. He did not accuse the right hon. Gentleman distinctly of having sixteen years ago made any declaration with which his present conduct was inconsistent; but it might be in the recollection of many—indeed, he had no doubt it was well remembered and painfully engraven on the memories of many for as long as they might live—that there had been engagements and declarations made by ecclesiastics of the highest character, and laymen of rank, station, and influence, with which the conduct of the hon. Member was entirely inconsistent when he rose and demanded a share in the emoluments and endowments of the Established Church in Ireland. One of the Members for the University of Dublin, had told the hon. Member that the establishments and endowments of that University were in immediate connexion with the Protestant Church. If the hon. Member could disprove that assertion, he had a right to demand that the endowments should be thrown open, but not until he did so. If the University of Dublin were founded to maintain and foster the Protestant religion as it had existed, and did exist at present, and if the right hon. Member declared that

nothing that Government might propose or execute, could satisfy him but the surrender of its emoluments and offices to Roman Catholics, he (Sir R. Inglis) warned the Government not to be led into making fruitless concessions, and called on them to take a proper lesson from that declaration.

Viscount Sandon said, after the speech of the hon. Baronet who had just sat down, he felt it would be hardly fair, either to Her Majesty's Government or to the country, if the sole impression left on the public mind as to the light in which the intention of Her Majesty's Ministers to propose increased assistance from the public funds to the College of Maynooth, was viewed by their habitual supporters, were to be derived from the speech which they had just heard from his hon. Friend, and from that of his hon. Friend the Member for Kent. He thought it his duty, therefore, to rise at once, and state that he, for one, was not prepared to join with them in their opposition to such a proposition. He could not but consider that establishment to be placed in a peculiar position. He could not but regard it as an inheritance which they had received from the Irish Parliament, and as such, if on no other grounds, entitled to their support: and this not only according to the letter, but the spirit of the engagement. The principle had been fully conceded, and it was their duty to carry it out in such a manner as would have the best chance of conciliating the population for whose benefit it was intended, and of raising a theological university fitted by its magnitude to take its place among the Roman Catholic Universities of Europe, and in proportion to the great population for whose religious wants it was intended to provide. In rising, he had intended merely to enter his protest against the views of his hon. Friend; but he would take that opportunity of for a moment vindicating the measures of Her Majesty's Government from the sweeping condemnation that had been heaped upon them by the noble Lord opposite (Lord Palmerston). He alluded to the questions that had arisen between France and this country. In regard to Tahiti, the result was that which had satisfied the wishes of all sober and considerate men on all sides of the House, and he, therefore, would not enter into the details of the policy which had led to that result—nor could he recognize in the noble Lord the best counsellor for such an object—he could not forget, in him, the man whose rashness had

stirred up in the mind of France feelings of embittered hostility and jealousy against this country, which had long appeared to have been laid to sleep; feelings, which it had since required all the exertions of the sagest counsellors on both sides of the water, for the last four years, to allay. With regard to the Right of Search, he believed it was utterly impossible for any man who had looked into the practical working of that question, as they had been obliged to do on the West African Committee, not to feel that it was one which must create much dissatisfaction and ill feeling. If it were possible for them to adopt any other mode of putting an end to the Slave Trade along the western coast of Africa equally efficacious, it was clearly their duty and their interest to carry it into operation. The Right of Search was, of necessity, an annoyance to the parties affected by it, and it was also a great obstruction to commerce. It was often enforced under circumstances of great irritation. Those who were stopped on the high seas, were in general not likely to be in the best possible humour with those who detained them. They were subjected to much irritation from the effects of the climate upon their tempers. The obstruction to commerce was inevitable, and much greater than it used to be. Originally it was confined to the search for slaves—a point soon and easily ascertained. It is now extended to the search for papers, to the search for casks, for rice, and for a number of other things that may be the subject of lawful commerce, as well as necessary to the trade in slaves; but the existence of which, or the object of which, could only be ascertained by protracted and very vexatious examinations. If any Gentleman would take the trouble of looking into the minute details of the subject, he would find that there were many points of this nature that might not at first strike the eye, and yet must evidently, in practice, produce, and were found to produce irritation between the Power exercising the Right of Search and the Powers subjected to it, no matter whether that irritation were well founded, or the contrary. He would therefore, say that it was most desirable to adopt, if such could be found, some other means that would be equally efficacious in preventing the Slave Trade, and at the same time less obnoxious, and less liable to produce complaints. To whom could such an investigation be committed so fitly as to

the two individuals who had been appointed, —men not only prominent, but pre-eminent in their knowledge of the subject, and in their zeal to carry out the object? He thought that he was, therefore, justified in denying the correctness of the noble Lord's description of that Commission, as a mock Commission. Such a designation was calculated to create impressions respecting it totally unfounded, and unworthy equally of the noble Lord and of the distinguished persons who were to act upon it. He confessed he regarded the proceedings of that inquiry with peculiar interest. It was impossible to reflect upon the inconveniences arising from the Right of Search, both in detail, and in the general principle, and on the general ill-will which it excited against this country, as pretending to exercise a kind of high police on the great seas, which she turned to her own purposes, or the persons by whom and on whom the right was to be exercised, and under what circumstances, without feeling it to be most desirable that some other arrangement could be substituted for it; and with two such men as M. de Broglie and Dr. Lushington—with men of their honesty and sagacity, who had both evinced so warm an interest at all times in the subject, and possessed so thorough knowledge of it—it was to be hoped that, while the great object of putting an end to the Slave Trade was kept closely in view, some means might be discovered that would remove the present liability of England to be, at any moment, forced into a state not merely of irritation, but, very possibly, of open war with the most important and considerable of the maritime powers of Europe. He did not wish to enter into the other topics of the noble Lord's speech, which had already formed the subject of discussion; but he could confirm the statements in regard to the general condition of the country, and to the state of the credit and commerce of the Empire, which had been so ably dwelt upon by the hon. Member who had seconded the Address; and he might be permitted to add that, if we could look forward to the continuance of that prosperity, with somewhat more of hope and confidence than usual on such occasions, it was to a considerable extent due to Her Majesty's Ministers. The measures affecting the circulation, which had passed last Session, were of the highest importance for that object. They had at least given some check to that facility for the creation of artificial or fictitious capital

which usually accompanies such seasons of prosperity, and prepares the way for the most frightful reverses; and he therefore thought that, if a portion of the present prosperity arose from causes to which other Governments as well as the present might have contributed, or from other causes in which they had no share, Her Majesty's present advisers were justified in feeling that they were entitled to the merit of rendering that prosperity permanent, or at least of having passed measures that were most likely to secure that object. He certainly could not but feel gratified at the intention of Her Majesty's Ministers to continue the principle of the Income Tax, whether under some modification or otherwise he would not say, as by so doing they would be enabled to relieve the industry of the country, and to lessen other taxes pressing upon the great mass of the population; and he believed nothing would be more beneficial to the permanent interests of the people, or would more receive their approbation.

Viscount *Howick* said: I cannot avoid taking advantage of this opportunity of expressing my concurrence in what has fallen from my noble Friend as to the evils and the practical difficulties to which the Right of Search question is calculated to give rise. I cannot, however, say that I am altogether very sanguine as to the possibility of exercising the policy under which we have hitherto acted, in our endeavours to suppress the Slave Trade by force, without its aid; but I do think that the time is come when the House and the Government ought seriously to consider whether that policy is a wise one or not. I know I am expressing an opinion which is very unpopular in this House, and in the country at large. I know that both my noble Friends near me (Lord Palmerston) and the hon. Baronet the Member for the University of Oxford, have considered the question as one on which no discussion should take place; but that this country ought to persevere in the policy which it has heretofore followed in endeavouring to put down the Slave Trade. Now, there is no man in this House more anxious than I am to do everything that is possible, and that is practically useful, for the suppression of that most nefarious traffic; but at the same time, while I entertain this feeling in common with so many Gentlemen whom I see around me, I cannot help pointing out to myself what the fruits have been of all our efforts for

the past thirty years in that desirable object. We have now been persevering in our efforts for the suppression of the Slave Trade for thirty years. During that long period we have been endeavouring to keep the police of the seas, and to prevent the traffic in slaves from the African coasts, and yet what has been the result? I have myself been as warm an advocate for all that has been done as any Gentleman in this House; but I cannot hide from myself, what is now universally admitted, that the result of all our efforts amounts to this—namely, to the expenditure of millions of pounds sterling; and, what is far more important, to the destruction of thousands of human lives—for our seamen have been sacrificed in thousands in those unhealthy climates—and after all these sacrifices, we have not only failed in accomplishing our object, but we have actually added to the Slave Trade, instead of diminishing it. We are all aware of the contents of a work which has been published within the last year, from the pen of a chaplain on board one of the vessels employed on the African coast. In it the ruinous consequences of this policy, which we have been so long following, are forcibly pointed out, while it has not, in the author's opinion, in any degree diminished the extent of the Slave Trade, but has, on the contrary, greatly aggravated its horrors. Under these circumstances, I do think that we ought seriously to consider whether this is a policy in which we ought seriously to persevere. I recollect that Her Majesty's Government promised last year to bring forward a more effectual measure for the suppression of the Slave Trade on the coast of Africa, than that at present in operation, and one which would receive more concurrence from Foreign Powers. I do not here object to a cry being raised about such plans, provided there be a rational hope of their success; but I confess that, for my own part, I have the greatest doubt of the probability of their being successful. As long as the Governments of those other countries do not seriously endeavour to support our efforts, I do not think we ever can succeed. Whilst the feeling with regard to this country on the question of the Slave Trade which exists at present in other kingdoms is continued, I am convinced that all your efforts must be unsuccessful and fruitless, and that the Slave Trade will continue to be carried on as we know it to have been hitherto. I consider it utterly impossible that, by any degree of activity on the part

of our slave cruisers, a smuggling trade of that kind, extending for thousands of miles along the whole coast of a great continent, can be suppressed; and I cannot help thinking that more success would be likely to follow from a different mode of proceeding. I do believe that were we no longer to take on ourselves to keep the police of the seas—were we to leave to every nation the task of suppressing the slave traffic among their own subjects—that even the shame of appearing inactive in such a cause before the whole civilized world, independently of their own interests, would be sufficient to induce them to interfere effectually, when the cause of all animosity against us would be removed. Both Brazil and Cuba, the two countries in which the Slave Trade is now principally carried on, could easily suppress the Slave Trade among their subjects, if their respective Governments were really desirous of suppressing it. We know that in our own colonies we found no difficulty whatever in preventing the introduction of a single slave as soon as we had decided on suppressing the Slave Trade; and the Governments of the two countries I have mentioned could undoubtedly succeed with equal facility in suppressing the Slave Trade among their subjects, should they wish to do so, while we should, with equal certainty, be sure to fail in the attempt. Again, looking to the danger to which these two countries would expose themselves, if they left the Slave Trade without any alteration, after we had ceased to interfere in its suppression; it is evident that they would soon find it to be their interest to alter their policy. For instance, Brazil is very differently circumstanced from our colonies, which had a powerful mother-country to fall back upon in case of an insurrection among the black population. She has no other country to call upon for aid, and we know that already the disproportion between the numerical strength of the black population there, and the whites by whom they are controlled, is exciting the serious apprehensions of well-disposed persons in that country. If there were no longer the apprehension of any insolent interference from this country arising from the Right of Search, I have no doubt but that measures would at once be taken by the Brazilian Government to put a final stop to the slave traffic. The same motives would induce the Government of Cuba to interfere in a similar manner. Again, with regard to France, I feel that there is much in what has been said by the right

hon. Baronet opposite of the inefficacy of all these Treaties, unless they are cordially entered into by other countries. No man can expect, after all that we have witnessed during the last two years, any cordial co-operation in carrying out the present system from the French people or the French nation; but if we no longer sought to interfere as we now do, and I think we ought not to interfere unless it can be shown that we are likely to succeed, a different feeling would soon, no doubt, be witnessed across the channel. In the debates on the Slave Trade the whole argument of its supporters was, "What use is there in our giving it up while others carry it on?" Such an argument ought not, of course, to have been listened to for a moment; but the same line of reason cannot be applicable to the present question. With respect to keeping the police of the sea, I consider that we have no right whatever to exercise such a duty, unless it can be shown that we are promoting the interests of humanity by it. I think there are strong grounds for altering our present policy, and if Her Majesty's Government persevere in the course which we have hitherto pursued, they will, I have no doubt, at no distant period, look into the effects of their measures; and if, as I fear will be the case, they find that they have not succeeded, and cannot succeed, in putting an end to the Slave Trade by such means, I do hope they will have the manliness to come forward, and, however unfortunate the fact may be, boldly state in the face of the country, that they have failed, and recommend the discontinuance of a course of policy that has been tried to the utmost. When we consider, in addition to all this, the sacrifice of money, and, what is infinitely more important, of life, which the present system has cost—when we consider the danger to which its continuance subjects us, of a collision between ourselves and our neighbours, and the calamity which such a collision would bring, not merely on us, but on the whole civilized world—we ought seriously to consider whether we act wisely in adhering to this system.

Motion for an Address agreed to. Committee to propose the Address appointed.

Adjourned at eleven o'clock.

HOUSE OF COMMONS,

Wednesday, February 5, 1845.

MINUTES. ELECTION PETITION.—Dartmouth Borough Election,—Petition of George Moffatt, Esq. laid on the Table.

PETITIONS PRESENTED. From Edward Phillips, and Medical Profession of County of Suffolk, against throwing open the Practice of Medicine. — From Birmingham Anti-Slavery Society, for abandoning all attempts to suppress Slavery by means of Armed Cruisers, for the Abolition of Slavery, and against the importation of Natives of British India into West India Colonies. — From Festiniog, for discouragement of Intemperance. — By Mr. Wallace, from Glasgow, and other places in Scotland, for the Extension of the provisions of the Factory Act. — From Provost of Montrose, for alteration of Law relating to Prisons (Scotland).

RAILWAY REFORM.] Mr. *Wallace* had a question, of which he had last night given notice, to ask of the President of the Board of Trade, with reference to the Railway Companies who had, and those who had not, complied with that enactment of the Railway Act passed last Session, which provided for the efficient shelter from the weather of third-class passengers. He saw the right hon. Gentleman, late the President of the Board of Trade, opposite. Perhaps, under the circumstances, the right hon. Gentleman would answer the question. He would rather have the information from his mouth than from an official return.

Mr. *Gladstone* (who spoke from one of the front Benches, half way between the Treasury Bench and the Bar) replied, that as the question applied to a provision of law which took effect some months ago, he could have no difficulty in answering it. The Railway Companies which came within the provisions of the Act of last Session, with reference to third-class trains at 1*d.* a mile, comprising nearly all the Railway Companies in the country, had nearly all complied with the provision of the Act in question. The complaints on the subject had been exceedingly few, and he believed that the public were, in general, satisfied with the manner in which the Companies had met the enactment of the law. Indeed, the Railway Companies, he was bound to say, had made every effort to meet the wishes of Parliament, and fulfil the provisions of the Act. He need not trouble the House by reciting the names of the Companies who had complied, as they comprised almost all the Railways in the country. The Board of Trade had not thought it necessary to insist upon the adoption of any one particular model for the carriages to form these cheap trains, but they did require that in all cases the enactments of the law should be complied with as to seats, and likewise that real and effective protection from the weather should be supplied, such protection being understood to be afforded when the carriages were capable of

being entirely closed, without preventing the admission of light and air. The House would be glad to hear that the purpose which it had in view, in passing the enactment in question, had been fully attained, and a great accommodation had been afforded to persons of the humbler classes, when formerly the accommodation they could command was very limited. He held in his hand the report of a meeting of the Grand Junction Railway Company, and he found the chairman, in his speech, observing that he felt gratified in being enabled to state that the Government measure of last Session as to cheap trains at 1*d.* per mile had, upon the Grand Junction line, without materially injuring the receipts, been the means of conveying 2,500 persons per week of those classes who could not afford to pay the fares formerly charged. On the London and Birmingham Railway, also, within the last quarter, since the cheap trains had commenced running, they had carried 48,395 persons, making a probable average of 193,000 persons per year. The number of third-class passengers formerly carried, averaging no more than 65,000 per annum, thus showing that the number had been nearly trebled.—Subject at an end.

SESSIONAL ORDERS—INTERFERENCE OF PEERS.] Mr. *Young* moved the usual Sessional Orders.

Mr. *Williams* observed that he had this time last year called the attention of the House to the strange and anomalous state of the Sessional Orders. One of them stated that

“No Peer of this realm, except such Peers of Ireland as shall, for the time being, be actually elected, and shall not have declined to serve for any county, city, or borough of Great Britain, hath any right to give his vote in the election of any Member to serve in Parliament.”

Now he wanted to know what there was in the statute law to exclude a Peer from voting for the election of a Member of Parliament? In fact, a large portion of the Members of this House were elected by direct influence of Peers of the realm, in direct contravention of this Order. How could they enforce this Standing Order? What was their power? What were their means of enforcing it? They had no such power—no such means. What, then, was the use of keeping up these mere show regulations, which every body knew had no force in reality? It would be better to

deal plainly and honestly with the country, and say nothing at all in their Standing Orders about the power of Peers to vote, only proceeding against them like other individuals if they were found guilty of irregular practices at elections. He hoped that the Government would take the subject into consideration, and make the Sessional Orders more in accordance with the real position of the House.

The *Chancellor of the Exchequer* did not think the "Government," as a Government, more interested in the matter than any individual Member of the House. The privileges of the House were the privileges of the whole body of the people, as represented in the House. They possessed by Act of Parliament tribunals for deciding upon their rights as Members of the House, and as such they had—sitting in these tribunals—the right of declaring whether any person, whose name appeared upon the poll books of an election, was really qualified to vote or not, and they had by virtue of these privileges decided that the votes of Peers for Members of Parliament were not to be admitted. The hon. Gentleman had stated that this was contrary to the law of the land. He was no lawyer himself, but he did deny, or at all events he entertained most grave doubts of the validity of the hon. Gentleman's doctrine. This House was the judge of its own privileges, and must act according to its own resolutions and determinations; and, independently of that, he would take upon himself to affirm that if a Peer had a right to vote at the election of a Member of Parliament, the House of Commons possessed the right to reject that vote, should it see fit. He saw no use for making the suggested alteration in the Sessional Orders. They maintained that it was right to exempt Members being returned from the influence of Peers and persons in authority, and the Sessional Order to this effect was one which he should be sorry to see subjected to alteration.

Mr. *T. Duncombe* said, that he should renew the notice which he had given last Session—and as certainly take the sense of the House upon it—he meant his notice of moving for a Select Committee to inquire whether in any county or borough in England having a right to send Members to the House of Commons, such Members were returned through the illegal and unconstitutional interference of Peers. The right hon. Gentleman the Chancellor of the Exchequer had stated that he would be sorry

if any alteration were made in this Resolution. Therefore, nothing would of course horrify him more than the idea of any Peer violating the Resolution. Why, he knew well that there was not a single county Member, and very few borough Members, either behind him or before him, who did not, previously to their election, consult some Peer or other to obtain the influence of that Peer, and did not, either by letter or personal application, almost by supplication on their bended knees, entreat him to concern himself in their election. Nay, he was ready to say, that as to some of the vacancies which had recently taken place in this House, that Peers had been consulted and requested to concern themselves in the election of Members previous to their acceptance, on the part of the then Member, of office. Ay, and if one of these Peers had not given his consent to the re-election of one of these individuals, he ventured to say, that we should now be deprived of the services of a Secretary for Ireland. But knowing all this, in spite of all this, the Chancellor of the Exchequer got up in his place, and with a solemn face, and still more solemn voice, expressed his wish and hope that no alteration in this Resolution should take place. He would test the right hon. Gentleman's sincerity, for when he moved for his Committee, he would prove to the House, that (as he said before) scarcely one county Member, and very few borough Members sat in it, in whose election Peers had not concerned themselves. How the right hon. Gentleman could say what he had said, and yet manage to preserve his gravity, was to him utterly inconceivable. Why, if these Resolutions were to be put in force, he would venture to say, that they would bring the House in contact with three-fourths of the Peers and two-thirds of the bishops. What a mockery to pass these Resolutions—what an insult to the common sense of the country, for the right hon. Gentleman to get up and make such a grave speech. He thought the time had come when these Resolutions should either be acted [up to or abolished. This was a matter which had been discussed before, and he had voted for these Resolutions being expunged and against repeating such farces. So far as he was concerned, he would rather that Peers did vote for Members of Parliament—that they did appear upon the hustings. The more they came in contact with the people the better. It would do away with many of the prejudices which they laboured under at present.

They would find humble mechanics now unjustly deprived of votes—possessing equal ability and more love of country than themselves; and they would find men, too, who would not wish or care about gaining seats in this House in order to obtain some dirty star or garter, or for the paltry purpose of securing a peerage, or the still more paltry one of procuring a baronetcy. He should have great pleasure in expunging the Resolution altogether; but if they adopted it, let not him or others be blamed for holding up to public indignation those Peers and prelates who concerned themselves in elections contrary to the Resolution of that House.

Mr. *Hume* had often appealed to that House not to stultify itself. He agreed with his hon. Friend that artisans would never allow such a Resolution to disgrace the proceedings of their meetings. It was said the Minister had no more power to decide this question than any Member; but the Minister acted as fugleman to fifty Members behind him. The distinction as to Peers should be kept up in strictness, or at once abandoned.

The Order was agreed to.

ADMISSION OF STRANGERS TO THE HOUSE.] Mr. *Christie* said, he believed he was at liberty to state, that the Amendment he was about to propose to the Order relative to the Admission of Strangers, was sanctioned by the Speaker. When he moved a similar Amendment last Session, his proposed alteration was resisted by the right hon. Chancellor of the Exchequer, because from its wording it had reference to other parts of the House than the body of the House. His present Amendment, however, had been drawn up in strict accordance with the views of the hon. Gentleman opposite, and it fully met with the concurrence, as he had previously stated, of the Speaker. Under these circumstances it would be unnecessary for him to trouble the House, and he would simply move the following:—

“That the Sergeant-at-Arms attending this House do, from time to time, take into his custody any Stranger whom he may see, or who may be reported to him to be, in any part of the House or Gallery appropriated to the Members of this House, and also any Stranger who, having been admitted into any other part of the House or Gallery, shall misconduct himself, or shall not withdraw when Strangers are directed to withdraw, while the House or any Committee of the whole House is sitting, and that no person so taken into custody be discharged out of custody without the Special

Order of the House. That no Member of this House do presume to bring any Stranger into any part of the House or Gallery appropriated to the Members of this House while the House or a Committee of the whole House is sitting. That the above Resolutions be Standing Orders.”

Sir *R. H. Inglis* wished to put a question to the Speaker, bearing upon the exclusion of strangers. Hitherto it had only been necessary for an hon. Member to observe that strangers were present, and the Speaker immediately requested their withdrawal, without the question being put, as in other instances, to the Vote of the House. Now he wished to be informed whether, looking at the construction of one of the Sessional Orders, it was not necessary that the question should be decided by a majority, and not absolutely by an individual Member. Ought not a debate and a division to take place on the question?

Mr. *Speaker* said, that when the hon. and learned Gentleman consulted him about the Amendment, he told him there could be no objection to it, as it made the Resolution more in conformity with the practice of the House. With respect to the question of the hon. Baronet, the right which was referred to, and possessed by individual Members, of having the Gallery cleared upon mentioning that strangers were present, did not depend upon the Sessional Orders. It was an inherent right arising out of the ancient usage and practice of the House, and analogous to the right also enjoyed by Members of calling the attention of the Chair to the absence of forty Members, upon which the Speaker is required to see whether that number of Members are present, and if such is not the case, to adjourn the House.

Resolution as amended agreed to.

PRIVATE COMMITTEES — RAILWAYS — BOARD OF TRADE.] Mr. *Wallace* begged to call the attention of the House, especially of those Members belonging to the Committees of Selection, to the waste of time and money which the present arrangements of Private Committees involved. He mentioned last Session that, in the instance of one Railway Bill, the expense had reached the enormous amount of 100,000*l.* He trusted the present Session would not pass without some effectual arrangement being made on the subject. He was far from impeaching the conduct of Members on those Committees, who bestowed the greatest pains and labour in endeavouring to keep them in a serviceable

condition; but they had it not in their power to do that which they so much desired. Last Session he called the attention of the House to two Private Bills, which were introduced in March, and not passed until August. He thought it would be wise of the House to come to some arrangement by which it should be directed, that Private Bills should remain but a certain time in the House. He was convinced that it would be greatly for the convenience of Members if counsel were excluded from these Committees, and the examination of witnesses, carried on by the Parliamentary agents. He thought also that fees should be given up. If encouraged by hon. Members, he would move for a Committee to inquire first, whether fees could not be abolished, and next, whether the dilatory proceedings of such Committees cannot be shortened.

Mr. *Ewart* begged to ask a question of the right hon. Baronet. He had endeavoured on all occasions, whilst performing his duties as a Member of that House, to act free from bias, and independently of his interests. The House would remember that in the course of last Session the usual mode of proceeding with respect to Railway Bills had been superseded by the appointment of a Select Committee, formed of Members not interested in the competing lines. The utility of this proceeding had been fully established by the Parliamentary agents interested in the Bills. He hoped the Government was prepared to take up this subject, and he wished to know from the right hon. Baronet whether he was disposed to relieve him from the responsibility of bringing forward the Motion relative to it of which he had given notice, as, if not, he should feel it to be his duty to proceed with it.

Sir *R. Peel* was not prepared to relieve the hon. Member from the duty which he had imposed upon himself; it was very difficult to determine what was the extent of the indirect interest of constituencies in Railway Bills, and he should be exceedingly sorry to see the disqualification now enforced on Members with respect to local interests extended to this class of Parliamentary business. He was not prepared to make any announcement on the subject. His private opinion on the question was already known, but he must abstain from expressing any public opinion on the matter, as the Motion of the hon. Member for the following day would afford an opportunity for discussion. With respect to the observations of the hon. Member for Greenock,

it must be obvious how great the difficulty was of controlling counsel in the length or duration of their addresses before Parliamentary Committees. The practice certainly very greatly enhanced the expenses attendant on the private Bills thus argued, if they did not, indeed, chiefly arise from that source. Upwards of 75,000*l.* had been expended in carrying a Railway Bill through the Committee after the Second Reading, when it failed; the Bill in question was the Rugby and Stafford; his advice on the subject, which was to pass the Bill, had not been taken; it was the intention, he believed, of the parties to bring it again before the House.

Viscount *Howick* said: I certainly have had it in my intention to bring forward a proposition with a view to enlarge the time for receiving Petitions on Private Bills, more especially with respect to Railway Bills; and the ground on which this suggestion is justifiable in my apprehension is the extreme inconvenience and the great injustice which will be suffered, and which has been already entailed upon parties to railway projects, by submitting all such schemes to the preliminary ordeal of an examination and a judgment on the part of the Railway Committee of the Board of Trade. The House is aware that a great many decisions upon projected lines have been already pronounced by the Railway Committee, and that some of their decisions are still unknown. But, with respect to those lines which are already judged upon, and the decisions made public, I must observe, that the House and the public are left in complete ignorance of the grounds upon which the officers of the Board of Trade have pronounced their decisions. It would, therefore, be manifestly unjust to call upon those parties whose intended lines have been rejected by the Railway Committee of the Board of Trade, to decide at once whether or not they will abandon their projects; and it is for that most obvious reason I am desirous of enlarging the time for the presentation of their Petitions to this House. If we proceed at once to adopt the Resolution which is before the House, we must of necessity compel those parties whose projects have not met with the sanction, and consequently will not have the recommendation of the Board of Trade, to incur in their present state of ignorance as to the grounds of the decision that has been pronounced, all the preliminary steps which compliance with the Standing Order would impose, and consequently subject them to the heavy expenses attendant thereon, such

as printing, soliciting, and preparing the Bill and Petition; or else we shall, on the other hand, put them out of every possibility of appearing at all, by abandoning their Petition. It is not competent for the parties who are thus situated to come to either of these decisions at present; for if the reasons which have guided the Railway Committee of the Board of Trade in coming to their determination are found, when they are known, to be good and sufficient, and felt to be so by those whose projects are thus adversely regarded, those parties will at once deem their rejection justified, and will not throw any more money away upon their schemes. But it may also happen that neither the decisions to which refer, nor the reasons upon which they are grounded, will be satisfactory or conclusive to those whose projected lines are thus rejected; and they may, therefore, feel themselves justified, before they abandon their Bill, to call upon the House to reconsider the subject, with express regard to the Report of the Railway Board itself. I urge this consideration upon the attention of hon. Members, because I presume that neither the House nor the Government intend it to be understood that the decision of the Railway Committee of the Board of Trade is to be final. I have looked upon the subject in this point of view, and I have so treated it in my argument, because I find it laid down in one of the Reports which were presented to Parliament in the course of last Session from the Railway Committee (the fifth Report I believe), that this Committee of the Board of Trade is not to be constituted an authority to decide, but merely one to investigate the various elements upon which the projected lines submitted to them are based, to report upon those subjects, and to afford thereby some guidance to Parliament in forming its decisions upon these most important matters. Such is the substance of the recommendation which was made by the Committee on Railways in the Report to which I have referred; and the right hon. Gentleman the late President of the Board of Trade, in bringing the subject forward, and in suggesting to the House the expediency of adopting that recommendation, did so, expressly declaring at the same time that it was not done with a view to clothe the officers of the Board of Trade with any authority in the matter, but simply an order that their previous examinations of these various projects might afford some aid to the House in arriving at a just and proper

decision respecting them. In coming to a determination upon these matters, we agreed, during the last Session, to refer the Report of the railway officers of the Board of Trade on any railway project to the Committee on the Bill. What could have been the view of the House in coming to this arrangement last year, but that which I have just pointed out? I trust and hope that view will not be lost sight of, and that the Report of the Board of Trade will be simply regarded in the light of an elucidation of, and not a decision upon, the question. But, from what I see going on out of doors, I must confess I argue that there is a degree of authority attributed to the decisions of the Board of Trade, to which I deem it necessary to call the attention of the House. No man in this House is more alive than myself to the imperative necessity that exists for introducing some change into our system of legislation respecting Private Bills. A reform in that branch of Parliamentary proceedings is, in my opinion, most loudly called for. I therefore highly approved of the Resolutions which were brought forward during the last Session respecting railways, and which were adopted at the suggestion of the right hon. Gentleman who then held the office of President of the Board of Trade. I think, likewise, that the preliminary examination before a Committee of that Board of a railway scheme, is a proceeding calculated to afford most valuable assistance to the House in cases where large and conflicting interests are involved. If, therefore, this preliminary proceeding be confined to the simple offer of advice and information, the Railway Committee of the Board of Trade will, I believe, be found a most valuable assistance to the House. But if, instead of being regarded in the light of advice and information, the Report of that Committee is to be accepted as an authority, and its decisions upon the various lines examined by its members are to be held to be conclusive as to the rejection or the inadmissibility of a Railway Bill—then, I say, that this is a most enormous power, and one which the Board of Trade is not the fitting or appropriate tribunal to wield. Is the House, let me ask, aware of the vast amount of the interests which are involved in these various conflicting projects? Let me give one instance in order to show the extent to which they have gone. There is one scheme, the London and York line, which has 60,000 shares. Those who deal in these speculations have made bargains at 20% premium

for each share, conditionally that the Board of Trade favours the line—that is to say, if the Report of the Committee of that Board is conclusive in favour of the particular railway in question, that circumstance alone will add 20*l.* to the value of each of the 60,000 shares, by which means the determination come to by the officers of an inferior department of the Government will have the effect of transferring at once the sum of 1,200,000*l.* from the pockets of one part of the community to those of another. The decision of the Railway Board will either give that additional value to those shares, or it will reduce their value to less than nothing. Now, is a power so enormous as this to be granted in such a manner? I do not wish it to be supposed that I find any fault or have any reason to blame those who exercise this power for the manner in which they perform their duties; but, regarding it as a tribunal for the consideration of subjects involving so large an amount, and such a variety of conflicting interests, I say that this is not a power to be thus confided. I have shown the House one case wherein the sum of 1,200,000*l.* depends upon the fiat of the Railway Board, but this is only a single instance out of numerous others involving equally magnitudinous interests; and if the decisions of that Board are to be regarded as authoritative, its Members will have disposed of millions, in comparison with which the sums adjudicated upon by the Lord Chancellor and the other judicial authorities in Westminster Hall are totally insignificant. Now, I ask again, is a body of officers constituted in such a manner as the Railway Committee of the Board of Trade, competent or warranted to assume such high and responsible functions? How has that Board been formed? The noble Vice-President of the Board of Trade is its chief; and to assist him there are four Gentlemen, not one of whom scarcely ranks higher than a chief clerk of a department; one of these Gentlemen was promoted, I believe, from the post of private Secretary to the right hon. Baronet opposite. The constitution of this Committee is such as to make its decisions unsatisfactory, if they are to be accepted as final. I can speak of the proceedings in this respect as of my own individual knowledge, having been personally concerned in one of the railways reported upon by the Railway Board, and consequently having become acquainted with the course pursued. The promoters of a railway send in a short

statement of its extent and direction, and in due time the plan and the necessary details are furnished to the authorities at the Board of Trade. When the promoters of the line to which I refer had done this, they thought that the case of their opponents would be made known to them. This had been kept a profound secret until the 30th of November, when it was lodged with the Clerk of the Peace for the county, according to the regulations; and after that they thought that they would have been informed of the case of the opposite side, and that thus learning the nature of their opponents' allegations, they would have been enabled to answer and refute them. The time, however, passed over—the meeting of Parliament was near, and we began to think our scheme would be pronounced upon, without our having an opportunity of learning the case of our opponents. I consequently applied to the Board of Trade for a hearing on behalf of the promoters of this line. I was received by the right hon. Gentleman with that courtesy which distinguishes him. We went there knowing nothing of our opponents, save the plans and details which in common with ourselves they had sent in. Their arguments in favour of their project, their objections to ours, we were totally ignorant of. We stated our case in the interview which ensued, which was limited to half an hour's duration, and we detailed the reasons which we hoped would have induced the Board of Trade to give our line the preference. In the course of the conversation which took place, one gentleman observed, that he had expected we should have been called upon to reply to the arguments and objections of our opponents. To this observation the right hon. Gentleman, the President of the Board of Trade, replied, "that the point was of no importance whatever, inasmuch as it was physically impossible for the Railway Board to listen to the comments and arguments of conflicting parties." That observation, I admit, was perfectly true. It would have been physically impossible to have heard the conflicting parties. It was equally so for the Board to scrutinize closely and minutely the plans laid before them, or to ascertain with any degree of accuracy whether the estimates were well founded, and which of the conflicting projects was best adapted to the economy and the other wants of the district through which it passed. Such being the case, I entertain no objection whatever to the course which

I have described as pursued with reference to railways by the Board of Trade, provided the Report from that Department is merely to be regarded in the light of a document to be taken into consideration by the Committee of this House on the Bill. There is no doubt whatever that the Railway Board will be found to have had strong reasons for coming to the decisions which they have pronounced, and that parties going before a Committee of this House on a Railway Bill which has been adversely pronounced upon by the Board of Trade, will do so at an imminent hazard of failing to make good their case. But to this risk I have not the slightest objection, nor do I see indeed how the officers of the Railway Department at the Board of Trade could act otherwise than they have done; neither have I any doubt that their Reports will be found to afford the most valuable assistance in guiding the decisions of the Committees on the various Bills. But if these Reports themselves are to be considered in the light of decisions, and as such to be conclusive and binding on the Committees of this House, why, then, I must say that in common justice the conflicting parties ought to have been brought together, and their different statements and arguments heard, whilst the facts were carefully sifted and examined by those whose duty it was to decide. If the House thinks that a new tribunal ought to be created for the purpose of adjudicating on these matters, other than itself, it is competent for the House to act on that opinion; but if such a tribunal is constituted, let it consist of persons of a rank and station proportionate in dignity to the enormous amount of property upon which they are called upon to decide, an amount far exceeding, as I have shown, the sums adjudicated upon by the highest tribunals in Westminster Hall. The fact being as I have stated, let the rank and station of the persons constituting this tribunal be equal to those of the authorities in the Courts of Law. There is likewise another question to be considered with reference to this subject. In the ordinary course of life, a case involving the right to a basket of oranges or apples is not judicially disposed of, except under circumstances of the utmost publicity: I say that this practice is of the greatest use, and that it will never do to have recourse to secrecy, or to pronounce upon questions such as those to which I am referring, in the absence of the parties interested hearing them state their conflicting views in each other's presence. I say, if

you sanction such a course as this, you will open a door to corruption and jobbing of the grossest and rankest nature. And I say further, that these objections do apply stringently to the system pursued by the Railway Board with respect to the railway projects, if their decisions are, though not nominally, to be held as really conclusive. I say again, that you will act in this manner if you decide that these decisions are to be final as rejecting the projects pronounced against. We know by experience how constantly matters such as these are made the subject of solicitation and private influence amongst Members of this House. Now, I must remind you that if you are to reject these projects on the Reports of the Board of Trade, that rejection will be binding and final, because no one in this House would resist such a decision if the Government thinks fit to support its officers at the Railway Board. We shall thus establish a system by which the Board of Trade will be sheltered by the House from the responsibility which attaches to its conduct, and there will be some danger of a party spirit being infused into such questions, which, in addition to the practice of private solicitation amongst Members of the House, will complicate and render the question a most difficult one to deal with. I do not, in thus expressing my sentiments, mean to impute to Her Majesty's Government, any more than I should, were my noble Friends near me sitting on the other side of the House, charge them with any desire to job or to confer favours on their political supporters by the means I have indicated; but I do say this, and I cannot too emphatically express my opinion, that the system at present in operation is full of objections and of suspicions, and it goes far to violate and to abolish that wholesome rule of official decorum which ordains that the person who is at the head of Her Majesty's Government shall take as small a share in the regulation and transaction of the private business of this House as possible. We know how honourable it is to the character of this country, whether we look at one side of the House or the other, that the statesmen of England have ever stood above the suspicion of jobbing. I attribute much of this to the wholesome rule we have adopted, that Her Majesty's Government should abstain from interfering with questions of private legislation—with those questions in which a great amount of money is involved. I should deprecate any breaking of this wholesome

rule. The conclusion which I would draw from what I have stated is, that the decisions of the Board of Trade ought not to be considered as final, and that the Railway Bills, which have been unfavourably reported on by the Board of Trade, ought not on that account to be rejected on the Second Reading. What I contend for is, that until you make a change in your system—until you establish some tribunal capable of dealing with these great interests—until you re-cast the existing arrangements, if you believe such a change to be necessary, conflicting Railway Bills, notwithstanding the Report of the Board of Trade, shall be submitted to the scrutiny of a Committee of this House. What are the words of the Resolution of last year?

“That in the case of Railway Bills, if any report made under the authority of the Board of Trade upon any Bill or the objects thereof be laid before the House, such report shall be referred to the Committee on the Bill.”

It is perfectly clear, when this Resolution passed, it was the intention of the House that the Report of the Board of Trade should go before a Committee, there to be scrutinized and considered. If that be the arrangement which Her Majesty's Government intend to adopt, I have no complaint to make of the course which has been hitherto adopted by the Board of Trade, because, if this be so, those who are interested in railways of which the Board of Trade have disapproved, will have an opportunity of considering the Report, and the reasons on which it is founded; they will have an opportunity of considering the statements on the other side which will be submitted to the Committee in the face of day, before which tribunal they will be able to have these matters scrutinized. I hope to learn that this is the course intended to be adopted by Her Majesty's Government. I cannot help feeling great anxiety on the subject, because no one can have watched these proceedings without seeing, whether it be well founded or not, there is a notion abroad that these Reports are to be considered as conclusive and decisive; and because also, on another point to which I will only gently allude, already some of the inconveniences likely to arise from the Executive Government taking too much upon themselves with respect to private interests, are beginning to work. Whispers begin to circulate of an injurious kind, which I believe to be now unfounded, but of which I am convinced too much will be heard if the present sys-

tem be continued. I, therefore, hope that Her Majesty's Government will not conclude that we are to be ruled exclusively by the decisions of the Board of Trade; but that these decisions will be considered as the 'exposition by unprejudiced parties of their reasons for preferring some lines and rejecting others. If the question be so treated, if the whole subject be fairly considered before the Committee, all parties will be satisfied, but not otherwise. And, this, Sir, brings me back to the point from which I started, and to the proposal I have to make. If the House should agree in my opinions,—if Her Majesty's Government and the House should approve of the views which I have taken,—I am sure they will follow me in the course which I propose, and allow some further interval of time to enable the promoters of railways to consider whether they will persevere with their measures in spite of the unfavourable Report of the Board of Trade. I will frankly state, Sir, that I am interested in a project which has been unfavourably reported on by the Board of Trade. I do not contest the judgment of that Board. Till I know the grounds on which that judgment is founded, I am not in a situation to do so. All I can say is, that I, and those with whom I acted, believed that the public interests would be best promoted by the railroad we supported, as it could be executed at a smaller expense, and afforded greater facilities to the public, and that it was, in my own opinion, the better of the two; but I am free to admit that we are not always fit judges in our own cases,—every man has a partiality for his own bantling; and all I ask is, that we should not be called upon to proceed with, or to abandon, our Bill till we know on what the decision of the Board of Trade is founded. If this time be not given, we must come to a decision at once: within a day or two we must incur the expense of presenting our Petition for the Bill, or allow that Bill to fall to the ground. If, however, you will give us time to consider the Report of the Board of Trade, I will tell you frankly what are our intentions. We mean to consider that Report fully and fairly, if we believe that the Board have taken a well-founded view of the case; if we believe that they have come to a just and reasonable decision, we will proceed no further, we will submit to their decision, and we will retire from the contest. On the other hand, if we see nothing to alter our own opinions that our line is the better for the

public, and if we believe the Committee will take that view of the case, we shall then proceed. The railway with which I am concerned is comparatively unimportant; the expense is very small, and the adverse scheme—the promoters having fortunately adopted much of the scheme of their opponents—is not of greater magnitude. But there are other cases in which the lines are of great importance, and in which expenses to a great amount have been incurred. The question is whether you will allow all that expense to be fruitlessly incurred, or whether you will allow an appeal from the Board of Trade to another and a different tribunal; when all the reasons will be before the Committee, who will be able to come to a conclusion, knowing the grounds on which the schemes have been hitherto condemned? On these grounds it is that I ask the House to give an extension of time for the presentation of Petitions praying for the introduction of Railway Bills. I am aware, Sir, and you have kindly pointed out to me, that it is not by a mere alteration of the Sessional Order that this can now be done; but we may introduce into the Sessional Order, providing for the presentation of a Petition for any Private Bill within twenty-one days an exception in favour of railways, and then I will move a separate Resolution on another day altering the Standing Orders of the House. This is a course which I venture to recommend to the House, and it is one which is, in my opinion, of very considerable importance. I will, therefore, now move, as an Amendment, to introduce the words “with the exception of Railway Bills,” and with respect to them, I would propose to limit the presentation of Petitions for Bills to a period within twenty-one days from the Report affecting any Railway Company being presented to the House.

In answer to a question,

Viscount *Howick* added, that he would propose to allow twenty-one days after the Report of the Board of Trade affecting any particular railway had been laid on the Table, within which it should be competent for any particular Company to present its Bill.

Sir *R. Peel*: It is impossible not to feel that there is much force in the objections which have been urged by the noble Lord; at any rate to the extent that the consideration of this Order should not be proceeded with to-day. I believe that this Sessional Order is only confirmatory of the

Standing Orders of this House, and that if we adhere to the Standing Orders we can make no alteration in the Sessional. The Standing Order requires that all Petitions for Private Bills shall be presented within twenty-one days of the first Friday after the meeting of Parliament, and the present Sessional Order only carries that into effect. At the same time I think this is a subject well worthy of the consideration of the House, and that there is so much force in the observations of the noble Lord that we cannot now satisfactorily decide it. Whether it will be better to postpone this discussion or to withdraw the original Motion, I must leave to the decision of those better versed in the usages of Parliament than myself. I concur, however, with the noble Lord in the opinion that it will not be right this day to come to a determination.

Mr. *Hume* said, that most important interests were involved in this question, and in the absence of the official Gentleman connected with this department, who was not then in the House, they would be legislating in the dark. The subject mooted by the noble Lord was most important. A belief existed that secrecy was not kept; that others had an opportunity of knowing what was doing, and the Government were implicated because it was a department acting under Ministers. It would be better, therefore, to postpone the discussion.

Sir *R. Peel*: Instead of hon. Members saying that whispers were about that the secrets were not kept, it would be better to say explicitly what statements had been made, and to say what the allegation really was, than to make vague and not very intelligible insinuations against public officers, which were not capable of contradiction.

Viscount *Howick* was most anxious that what he had stated on this point should not be mistaken. What he had referred to was, what had appeared in the City Article of *The Times* of that day, and, he believed, before also; and in one or two other papers, where it was distinctly alleged that large purchases had been made in particular lines immediately previous to the Report of the Board of Trade being made public. He was convinced that these allegations were ill-founded, but it was an objectionable system, whether the reports were ill-founded or not, which enabled parties to set such statements abroad.

Mr. *Buck* believed that, in addition to the lines rejected, there were others which were recommended to be postponed, in which the public were quite as much in the

dark, and he thought they should have the same means of considering the Reports with respect to all the lines.

Mr. *V. Smith* would not oppose the postponement of the discussion; but there was one question asked by the noble Lord which must have occurred for the consideration of the Government, and it was, whether it were the intention of the Government, when the Reports of the Board of Trade were laid before the House, to stand by them as Government measures? This point must have engaged the attention of Her Majesty's Government, and he wished to know whether the House would have to decide these matters with the weight of the Government authority used on one side or the other? He wished for a reply to this question, and thought the noble Lord had usefully and wisely brought it before the House.

Sir *R. Peel*: The House would no doubt recollect that the interference of Government arose from the strong recommendations of the Select Committee on railroads; on that Report the Committee were the organ of the House—the Report which was adopted by the House strongly recommended the assistance of the Government to assist the House. In consequence of that Report his right hon. Friend the late President of the Board of Trade did undertake the question, greatly to the credit of himself, and did devote much of his time and attention to the subject. He certainly had never understood that there would devolve upon the Board of Trade any absolute power. In the Report of the Committee they said,

“It is the opinion of the Committee that such Reports should on no account be regarded in any other light than as intended to afford to Parliament—firstly, additional aid in the elucidation of the facts by the testimony of witnesses competent by knowledge, habit, and opportunity, and officially responsible;—and—secondly, recommendations founded on such elucidation.”

In his (Sir *R. Peel*'s) opinion, the weight of the opinion of the Board of Trade would depend upon the conclusiveness of the reasons they advanced. The question, he fairly owned, had never come under his consideration; but to any course which involved the Government, as a Government, in matters of private legislation he would object. If the conclusions of the Board of Trade were so strong that they would meet with universal assent, he did not say that the House should not adopt them; but, in

general, it must tend to raise the character of public men in this country if they abstained from interfering with Private Bills, but should allow them to be debated without its being thought that they received the influence of the Government. The House would not expect him then to state anything more than a general rule; he did not say that the rule should be absolute in every case but he hoped that the Government would maintain a neutrality which was most fair towards individuals and most consonant with the character of the Government itself.

Viscount *Howick* quite concurred in the propriety of adjourning the discussion, and thought the right hon. Baronet had said that he substantially concurred in the reasonableness of giving time for the presentation of Railway Petitions.

COUNTY COURTS.] Mr. *Hume* begged to ask the Home Secretary, whether, as there was no notice taken of the subject in the Speech from the Throne, it was the intention of the Government to introduce a measure respecting County Courts? The measure of last Session had been postponed from the pressure of business. He wished to know whether it was the intention of the Government to proceed with this Bill.

Sir *J. Graham* said he had had the honour of the charge of that Bill last Session, but taking into consideration the immense changes which had been made in the law of debtor and creditor, and that imprisonment for debt had been abolished, he could not undertake, in the present Session, to introduce a Bill to regulate the County Courts.

LAW OF SETTLEMENT.] Sir *G. Grey* observed, that towards the close of the last Session, the right hon. Baronet had introduced a Bill for the alteration of the Law of Settlement. He wished to know whether it was the intention of the right hon. Baronet to re-introduce the measure this Session, and if so, whether it would be substantially the same as the Bill of last Session?

Sir *J. Graham* answered that when he introduced the Bill at the close of the last Session, he did so under the idea that many and very valuable suggestions would be made to the Government, and the hope he had then entertained had not been disappointed, as he had received a variety of useful suggestions, which he should think

it his duty to introduce, as they embraced very important alterations in the law. He would, therefore, take an early opportunity of re-introducing the Bill. He would state the alterations in detail, and if the House should allow him to introduce the Bill, he should allow time between its introduction and the taking any further stage, so that the opinion of the country should be taken on the subject. With this object in view he begged to give notice that it was his intention to ask for leave to bring in a Bill to alter and amend the Law of Settlement.

HARBOURS OF REFUGE.] Mr. *Rice* asked the right hon. Baronet the Secretary for the Home Department, when it would be the pleasure of Her Majesty's Government to lay upon the Table the Report of the Commissioners appointed last Session to inquire as to the several harbours of the south and south-east coast, with a view to the formation of harbours of refuge? That Report, he might observe, had been generally circulated by the public press, whilst it had not been presented to the House. He wished also to ask, whether Her Majesty's Government proposed to take any steps with regard to the recommendations of that Report?

Sir *J. Graham* deeply regretted that reports confidentially received by the Government did, by some means, obtain publicity in the newspapers. The report in question had occupied the attention of the Government. The distinguished officers and others composing the Commission had made certain recommendations worthy of consideration, and they had proposed the construction of more than one harbour of refuge. There were, however, important considerations connected with the expense. The cost of the harbour of Dover alone was estimated at 2,500,000*l.* He thought it was of great importance to improve the harbour of Holyhead, so as to facilitate communication with the other part of the United Kingdom. Government had not yet come to a decision regarding the recommendations of the Report. The Commissioners had thus classed the importance of the harbours. Dover they had placed first, Portland next, and Seaford third. With respect to Dover they had suggested experiments upon the matter held in suspension in the sea, and depositing in the bay, with a view of determining whether the harbour was not likely to be stopped up. He was not prepared to recommend that the sum of from two to three millions should be lightly and

inconsiderately expended. The Report had been referred to the Lords of the Admiralty, and the importance of the subject, and the weight the Report derived from the character of the Commissioners, he fully acknowledged.

ADDRESS IN ANSWER TO HER MAJESTY'S SPEECH.] The Report of the Committee having been brought up,

Mr. *Hume* said, that although he had no objection to the substance of the Address, yet he could not allow it to pass without making some observations. Whilst congratulations were offered on the prosperous state of the finances of the country, no hope was held out of any relief being afforded to the people—an increase of our Naval Establishment was adverted to, but no hope held out of any corresponding reduction in other establishments to meet that increase of expenditure; no hope respecting the Army being reduced; no notice taken whether anything would be done in regard to the Customs or the Excise departments, in which the whole community were of opinion great changes should be made. The right hon. Baronet had taken upon himself the task of regulating the principles on which our commerce was to be founded, and he had adopted those principles partially; but he (Mr. Hume) had hoped that the House would have received an intimation from him that he was about to relieve our commercial interest from the troublesome charges to which it was subjected, and that he would remove from the list five or six hundred excisable articles when he could not produce one-half the amount of revenue which was paid for the salaries of the clerks engaged in this department. He was free to say that the Speech contained very little. The first three paragraphs were complimentary, the next adverted to increased expenditure, then the Income Tax, and all the rest was nothing. If, however, the right hon. Baronet would say he would reduce other taxes, he should have his support. Let the right hon. Baronet reduce the indirect taxation which fell so heavily upon the humbler classes. The present taxation of the country amounted to 55,000,000*l.*, which was too much. The right hon. Gentleman stated last night that a party attack had been made upon him on account of his proceedings in respect to affairs at Tahiti; he was not one of the party; on the contrary, he thought the conduct of Her Majesty's Government was such as

deserved the thanks of the country, for their firmness in adhering to their demands, in maintaining the honour of the British Flag; and for the manner in which they had settled the matter amicably. He believed their conduct had tended to remove those prejudices which former acts had created in the minds of many of the French people; and had tended, moreover, to promote that good understanding on which alone depended the maintenance of peace between the two countries; and peace was the only object to be sought for. He heard the Speech of the hon. Mover with pleasure, because he admired the moderation of his views. At the same time, he wondered how some hon. Gentlemen could allude to the visit of the Emperor of Russia, and entertain the hope that his Majesty would reduce the duties on imports into his kingdom, until we were in a condition to set an example to the whole world. Let us amend our Commercial Code and Customs Duties, and other nations would soon follow our lead.

Mr. *Williams* commented on three points contained in the Address. The first paragraph adverted to the improved condition of the country. That improved condition he admitted in the manufacturing districts, and many men had been taken into employment; but the Speech made no mention of the distress of those who were millions in number, namely, the agricultural classes. With reference to them there were indications in the country which called for the most serious attention of the Government. Witness the incendiary fires, which were an unhappy exemplification of the existence of utter distress. The Speech ought to have made some allusion to the condition of these men, from whom the value of the estates of hon. Gentlemen and others was derived. Next, as to the financial condition of the country, he denied it was so prosperous as it was represented. The expenditure of the country was much too great. The hon. Member for Huntingdon, in seconding the Address, said that the revenue last year exceeded the expenditure by the sum of 3,300,000*l.* The revenue in 1837 was 2,100,000*l.* beyond the expenditure, so that there was now only an excess of 1,200,000*l.* over the year 1837, with an addition of 8,000,000*l.* of taxation. What then became of the economical management of the finances of the country? This was a state of things which ought not to endure, and which could not be permitted to endure. The

late Government were brought into difficulties by becoming entangled with the disturbances in Canada, and the war in China, and their difficulties were further increased by the ruinous export of bullion caused by the state of the Corn Laws. At the present moment the difficulties which embarrassed the late Government no longer existed, for the disturbances in Canada, and the war in China, had been settled. The country during the last year enjoyed a very extraordinary degree of prosperity, and there was no occasion for such a large expenditure as was now kept up, compared with the year which he had just named.

Mr. *S. Crawford* wished to call the attention of Her Majesty's Government to that paragraph in the Address which thanked Her Majesty for the Report of the Commission appointed to inquire into the law and practice with respect to the Occupation of Land in Ireland. He hoped that Her Majesty's Government would give some intimation of their intention to introduce a measure on this subject. He never knew Ireland in a more disturbed state than at present. Murders and assassinations prevailed to an awful extent in one or two districts of that unhappy country; and it would be quite impossible to repress such lawless violence without making some just regulation with regard to the law of Landlord and Tenant. He trusted that the Session would not be allowed to pass over without the introduction of some such measure as would satisfy the people that they would experience the protection of the law in this respect. The Address adverted to the loyalty of the people. He concurred in that declaration; but at the same time he must express his belief that a spirit of dormant discontent existed among the labouring population with regard to the Poor-law, and the consequences of that measure. The people were deeply discontented on that subject. That law had had the effect of cancelling the right of the labouring men to claim from the land and the property of England their labour and sustenance; and it had given the poor man nothing in return for what it had taken from him. Such a state of things could not continue without producing a greater degree of discontent than that which unfortunately at present existed.

Mr. *Wallace*, although offering no opposition to the Address, wished to guard himself against being supposed to acquiesce in the continuance of the Income Tax.

Sir *R. Peel* said, that nothing could be

more cautiously worded than the Address, for it bound no one in any matter whatever. It only suggested certain things, and was not meant by Her Majesty's Government to commit any one upon that subject. Nothing could be more unjust than to do so; and he never should hold an acquiescence in the present Address to bind any hon. Gentleman to vote for the continuance of the Income Tax.

Mr. *Wakley* said, that the improved discipline on the other side showed pretty clearly what the result of the consideration of the Income Tax would be. A Property Tax met with general approval in this country; he believed it would be impossible to propose a more popular tax; but the right hon. Baronet would find that a tax upon incomes derived from trades and professions, would not receive the consent of a large portion of the community. It was thought that if a sliding-scale was applicable to any description of taxation, it was never more so than to real property as distinguished from professions and trades. However, the operation upon the public mind would be chiefly regulated by the proposals that might be made with respect to the other taxes. If those taxes which interfered with trade and commerce, injured the labourer, and pressed upon the necessities of life, were removed, he then thought that even the present tax upon income would be borne without a murmur or complaint. It had been inferred that there was no distress among the masses of the people of this country; but among the unskilled labourers there was an amount of suffering which Members of that House little knew of. It was impossible to paint a picture of the calamities and sufferings endured by that class in such colours as the reality required. He hoped that when the right hon. Baronet brought in his alteration of the Law of Settlement, some means would be taken to alleviate their condition. The Speech from the Throne contained very little, but perhaps there was the more to hope for on that account. Already several measures, of which no mention was made in the Speech, had been announced by Members of the Government, and amongst others, that to which the right hon. Baronet had lately alluded. He should be glad to hear of an intention to abolish the Law of Settlement. The horrors suffered by the poor under the operation of that iniquitous law defied the power of language adequately to describe. This was the common practice:—A labourer who

has gone to a distance from his own home, has married, and reared a family, and dies. His wife makes an application for relief: what is the answer? "Well, we will give you a loaf or two of bread, or a shilling or two, but if you come again, we shall give you an order for you to be received into the union workhouse, and when the proper time has expired we shall pass you home." "Home!" says the poor creature; "what home?" "Your husband's settlement," replies the relieving officer. "Why," says the suffering woman, "my husband came from his parish twenty years since—I have never seen any of his relatives—I know of no one who resides in the town—I have no friend or relative of my own there. The relieving officer replies, "We cannot help that; we must act in accordance to the law; and if you apply again we shall pass you to your husband's settlement." Does she apply again?—No; she suffers all the miseries of starvation rather than be removed to a place where she would be unknown; nay, I have myself seen a mother suffering her offspring to die of want rather than submit to the lot held out to her. I believe that it is the wish and desire of the right hon. Baronet (Sir James Graham) to remedy this crying evil. I believe that the Bill introduced by the right hon. Baronet last Session would go a considerable way in doing so; and I do hope that during the present Session he will mature a Bill on the subject in a bold and masterly spirit. There is no intimation in Her Majesty's Speech with regard to the Poor Law. That question is a painful one; it is still unsettled; and it is impossible that that law, as it now stands, can much longer remain in force in this country. As one fact is worth a thousand hypotheses, I will state to the right hon. Baronet a circumstance which fell under my own observation on Saturday last. It is not, unfortunately, unique: it is too general. A labouring man of good character, and who was only twenty-six years of age, died in a state of great misery and destitution in the parish of Isleworth, in this county. He had been living with his wife six weeks before, in the parish of Iver, in Buckinghamshire. It appears that he and his wife, being both very ill, were obliged to apply for relief, and a small expense of some 25s. or 26s. was incurred for their maintenance during a period of nearly three weeks; but just before three weeks expired, finding they were to be passed to Isleworth, they went to Ruislip, and by the aid of friends

procured an apartment where the furniture—for I myself saw it—was not worth 2*s*. Well, Sir, the parochial authorities came over from Iver, and took the man and his wife—both suffering under illness—and carted them to the village of Isleworth, and when there they put them down and said to the relieving officer, “Here are these parties, we have brought them home to you.” The poor man being ill and out of work, and his wife also ill, and both of them in a state of misery and privation, the latter said, “You must go to the relieving office.” These poor people said, “We must have sustenance—we must have relief, or we shall die.” Now, see what are the effects of the size of your unions, and of not allowing relief to be given in parishes. That woman started in a state of extreme feebleness to Hillenden, a distance of five miles, leaving her husband at home without money or food, and this in the depth of winter, and described to the relieving officer there the state of destitution she and her husband were in. What was his answer?—and remember, it was, as the relieving officer himself afterwards told me, the only answer he could legally give in conformity with the Act of Parliament—he told the woman to go to the doctor of the union, and if he gives you an order for relief, you shall have it. The woman then went from Hillingden to Uxbridge, and saw the doctor, who promised to go and see her husband at Isleworth. The woman then went back to her wretched home, without bringing a single thing to afford her sick husband the slightest help, or even hope of obtaining relief; without money and without food, and this after she had been walking a distance of eleven miles. In a short time, the medical gentleman called upon the poor people, and was immediately struck with their wretched appearance, and at once said, “I see you are starving; you are in want of the common necessities of life.” And he then gave them an order upon the relieving officer. What has she then to do? She had to go back five miles to the relieving officer again: and when with him what does she receive? Money was not given her. She had not the opportunity of purchasing what she wanted; but an order was given to the value of 3*s*., which she is to serve upon the grocer in the parish of Isleworth, from whom she gets grocery to that amount. Now, observe; that women in the depth of winter has walked twenty-one miles, leaving a hus-

band at home in a dying state, she being herself in a state of suffering and disease, before she could obtain relief to the value of 3*s*.; and that is the way in which you, the wealthy Legislators of this country, afford relief to the destitute. I know not what words to use to designate such a system as this; and yet, from our weakness, or from our cruelty, we call this furnishing relief to the poor by our precious legislation. Is this, I ask, a state of things that is to continue? That poor man, with his constitution broken down and destroyed for want of food, accidentally injures one of the toes of his feet, a locked jaw comes on, and he dies. On Tuesday last he died. Now, I again ask, is this system to be continued? Do the gentry, the nobility, and the wealthy people of England believe that their lives and property can be secure so long as the poor of England can be thus treated? Do you call this ministering to the necessities of the poor? Is it not a system pregnant with danger to you every moment of your lives? Do you believe that, under these circumstances, the millions of England can be satisfied? or that they will treat Parliament with respect, or yield a cheerful obedience to the law? I say, they will not; and I further say, we ought not to advise them to do so. If they were not discontented—if they were not dissatisfied—with such a state of things, they would be unworthy of the name of Englishmen, and it is utterly impossible that you, in a time of danger, when their bold hearts and ready hands would be needed to serve you, can expect that they will ever again exhibit that boldness, courage, and manly daring, which they have displayed in former times. But kindness, frankness, and generosity are the characteristics of the people of England, which they ever evince towards those who treat them well. You do not know their worth, or make proper allowance for the natural good sense and understanding which they possess. They do not expect impossibilities from you. They know very well that an Act of Parliament cannot cure all the ills which human flesh is heir to; but what they do know is, that no man who is free from crime, and who is willing to work, when in health, for his bread, should be treated in the manner I have just described to you, when in a state of disease and destitution. I do trust that what I have stated will induce the right hon. Baronet (Sir J. Graham), to inquire into this subject. I know that the right hon. Gentleman has

devoted much time to its consideration. He showed, last Session, the most anxious desire to collect every kind of information that could assist him in his efforts to amend the existing state of things; he listened most patiently and considerately to every suggestion that was made to him; and I am bound to say that he did not reject any suggestion from any preconceived opinions or prejudices of his own. I beg him, therefore, to investigate the case I have stated, and ascertain whether the same thing is not at this moment going on throughout the whole of England; and, if so, I ask him, can he hesitate to introduce a measure to alter such an odious, such an abominable state of the law? My hon. Friend the Member for Montrose (Mr. Hume), in the course of his remarks, stated that he thought the Government had acted wisely with reference to the affair at Tahiti. I perfectly agree with him in that view. It is the universal impression that that unfortunate misunderstanding has been settled with perfect honour to the Governments of both countries. It has been settled without giving painful feeling to either nation. With regard to the Slave Trade, a more difficult question could never have occupied the attention of the British Government. It has pressed upon us for many years; and we now learn that not the settlement, but the consideration of it is to be referred to two individuals, appointed by England and France. If France is satisfied with the person appointed on its behalf (the Duke de Broglie), I am confident there is no man in England who can be dissatisfied with the appointment of Dr. Lushington. I do not think the Government could have adopted a wiser course. Dr. Lushington has shown throughout the whole of his life that no subject was more dear to his heart, nor was there one to which he had devoted more attention, than the suppression of slavery and the Slave Trade; and that he not only understood the subject, but that he was most earnest and sincere in his desire to see it abolished. With respect to the Right of Search question, I will only make a single remark. When a boy, I went to sea, and I can assure the House that there is not a thing more aggravating, more annoying, or more exciting than that of having a boat come alongside of you, and overhaul what is going on in your vessel; and I am astonished, considering how the right has been persisted in, that it has not led to hostilities between this country and other nations. It is marvel-

lous that peace should have been maintained under such a system. I hope therefore, that something will be devised to get rid of such an exciting, such an annoying, and, apparently, though not really, such a degrading practice. Some remarks made by my hon. Friend the Member for Rochdale (Mr. Sharman Crawford), has called to my mind the striking contrast between the actual condition of things in Ireland, and the state of that country as described in the Address. It appears to me that the facts stated by my hon. Friend, and the statement contained in the Address, are totally inconsistent; there is no agreement between them. The Address states that the large masses of Her Majesty's subjects are yielding a cheerful obedience to the law; while, on the contrary, we are informed by my hon. Friend, that the people of Ireland are, in many parts, in a most lawless state. Now, I am not disposed to rake up old grievances, but would rather let bygones be bygones. My opinion is that the right hon. Baronet is desirous to do justice to Ireland. I hope his friends will let him, and that the benevolent intentions of the right hon. Baronet will not be thwarted by those near and around him, that is, by his ordinary supporters. But it does seem strange that it should be stated in the Address that things are going on satisfactorily in Ireland, and that the spirit of discontent has almost disappeared, when we find that so lately as Monday last, a Resolution was passed by the Repeal Association in Dublin, in which it was intimated to the Irish Members of this House, that they should not attend their places in Parliament. The words of the Resolution are these:—

“That however desirable it may be that discussion should take place in the House of Commons, with a view to expose the injustice of the proceedings connected with the late State Trials, this Association is so deeply impressed with a sense of the hopelessness of obtaining redress for the wrongs of Ireland from the Imperial Parliament, that we cannot recommend that the Irish Members should be called upon to attend such discussion. That the attendance of the Irish Repeal Members in the Conciliation Hall would be most conducive to the great object of the Association—the restoration of our domestic Legislature.”

I must confess that I agree with those who consider that Ireland has been an ill-used country. Let us anticipate better times. I will only refer for one moment to the trial, which led to the imprisonment of Mr. O'Connell and his friends. Before

that trial I believe the prevalent feeling in England was, that Mr. O'Connell's proceedings were not justifiable. He had created in England a feeling prejudicial to himself, by indulging in language reproachful and offensive in regard to the people of this country. But immediately after his memorable trial, and before the decision came to by the House of Lords, the universal impression throughout this country was, that in that trial he was a persecuted man, and that his case was not fairly investigated by an impartial jury. That was the universal impression, and that impression has received the strongest possible confirmation by the decision of the House of Lords. It has been decided by that House that it was altogether an unlawful proceeding, and that the indictment was so framed and drawn up, as to make it next to an impossibility that the accused parties could extricate themselves from such a legal net-work. And what is the impression of the public mind in England now? I can assure the right hon. Baronet, from the frequent communications which I have the opportunity of holding with the working and middle classes of the people, that the public mind of England is in a very feverish state with regard to the relative positions between England and Ireland; and Ireland is looked upon here as being a source of weakness to this country rather than a source of strength. An impression universally prevails that Ireland has been an ill-used and persecuted country, and has not received justice from the English Government. When the Irish Members are present in the House of Commons they make loud complaints against our conduct; and, I believe we deserve those complaints; but at the same time I have never seen come from the Irish Members themselves any series of measures which they would place upon the Table of their own Parliament if they had one in College Green. Now, I do say that that has not been acting justly by us, or wisely by themselves. If they will frame such measures as they deem best calculated to promote the interests and welfare of Ireland, and submit them to the consideration of the Imperial Parliament, and if that Parliament should incur the responsibility of rejecting them, my firm conviction is, that the people of England would join in demanding a Repeal of the Union, and would urge that demand upon the Government and Parliament of this country; because the people of England are strong in their love of justice, and they

do not wish the persecution of any class or portion of their fellow men. They do not desire partial laws, and believing, as they then more than ever would do, that the people of Ireland were a persecuted people, they would unite with them in demanding full redress. In order, then, to relieve me and many other English Gentlemen who feel strongly upon this subject from the difficulties which at present beset us in this matter, I will conclude by expressing my earnest hope that the Irish Members, without delay, will frame such measures as they deem best calculated to promote the interests of that country, and then if we reject them, the responsibility will be upon our heads.

The Report of the Address was agreed to, and was ordered to be presented to Her Majesty by the whole House.

House adjourned at a quarter to eight o'clock.

HOUSE OF LORDS,

Thursday, February 6, 1845.

MINUTES.] *BILLS. Private.*—1^a. Britten's Divorce.

House adjourned.

At two o'clock the House proceeded to Buckingham Palace to present the Address to Her Majesty.

HOUSE OF COMMONS,

Thursday, February 6, 1845.

MINUTES.] *BILLS. Public.*—1^a. Companies Clauses Consolidation; Railway Clauses Consolidation; Lands Clauses Consolidation; Lands Clauses Consolidation (Scotland); Railway Clauses Consolidation (Scotland); Companies Clauses Consolidation (Scotland).

PETITIONS PRESENTED. By Mr. H. Berkeley, from Banbury, Gloucester Infirmary, and Worcester, for alteration of Law relating to the Medical Profession.—By Mr. Bernal, from Merchants and others of Jamaica, against reducing the Duties on Foreign Free-grown Sugar and Coffee.—From Cork, for measures to vest in the Crown discretion for rejecting any person who may hereafter be elected Mayor.

THE ADDRESS.] The House in form presented the Address to Her Majesty.

Mr. *Speaker*, on the House resuming, said, I have to report to the House that I have this day waited on Her Majesty with the Address in answer to Her Majesty's most Gracious Speech, to which Her Majesty returned this most Gracious Reply:—

"I return My warmest Thanks for this loyal and dutiful Address.

"I anticipate with satisfaction the result of your deliberations, which will, I trust, promote the prosperity of all Classes of My People."

THAMES EMBANKMENT BILL.] Mr. *Foster* would beg to inquire of the noble

Lord the Chief Commissioner of Woods and Forests, whether it was his intention to proceed this Session with the Thames Embankment Bill, and if so, whether he intended to propose that the expense should be met by a tax upon coals?

The Earl of *Lincoln* said, that it was not his intention to bring on the Bill of last year for the embankment then contemplated, but he did intend to introduce a Bill for the purpose of embanking a part of the Thames higher up. It was not, however, his intention to propose that the expense should be defrayed by a duty on coals.

BANKING SYSTEM — SCOTLAND.] Mr. *Macaulay* : I wish to ask the question of which I gave notice yesterday. Under ordinary circumstances I should not think of proposing it, because the inconvenience is unquestionable of calling on a Minister of the Crown for details of future measures alluded to in the Speech from the Throne. But, we are informed that words have fallen in another place, from a noble Colleague of the right hon. Baronet, which, though differently reported, and, I fear, differently construed, are yet generally understood to imply that it is not the intention of Her Majesty's Government, in the course of this Session, to propose to the House any measure affecting the £L note currency of Scotland. The right hon. Baronet knows how deeply this matter excites the public mind of that country. If, therefore, the construction I have mentioned be a just construction of what has been said, and if the right hon. Baronet feel it to be compatible with his sense of public duty to give to the House any information on the subject, I trust, particularly after what has been elsewhere stated, that he will not object to lay that information now before us.

Sir *R. Peel* : I certainly do not feel that it would be consistent with my sense of public duty to enter at the present time into any explanation as to the character of the measure, or to any part of it, which I shall, on as early a day as the performance of other public duties will permit, bring under the consideration of the House. The House will recollect that at the opening of the last Session, the attention of Parliament was called in the Speech from the Throne to the laws affecting the Bank of England and other banking establishments in this country. As soon as the Government announced its intention of bringing in legislative measures on these

important questions, I was constantly pressed by Gentlemen representing various interests to give some information of the general outline of the measure which I was about to introduce. I steadily refused a compliance with those earnest solicitations, and stated then, as hon. Members will recollect, in my place, that I would give a full and fair explanation of the measure in all its details when I brought it under the consideration of the House, but not before. Now, I feel that I am bound to take a similar course with respect to any measure about to be introduced affecting the Banks of Scotland and Ireland. I shall reserve to myself the opportunity of stating the nature of those measures until the time arrives for bringing them fully before the House. With respect to the words which are represented as having fallen from a noble Colleague of mine in another House, I believe that the right hon. Gentleman has put an erroneous construction on them. The case was, I believe, thus:—It was stated in the House of Lords that reference was made in Her Majesty's Speech to the currency of Scotland and Ireland, and what my noble Friend said he intended to say on that point was,—that the same reference which had last year been made in the Speech from the Throne to the banking establishments of England, had this year been made by those of Scotland and Ireland. Under these circumstances I trust the right hon. Gentleman will excuse me if I decline entering into any explanation of the intended measures until I ask leave of the House to introduce them; and I also hope that no inference will be drawn as to the intentions of Government from the explanations I have now given.

TAHITI.] Sir *G. Grey* : Sir, I rise for the purpose of putting a question to the right hon. Baronet at the head of the Government, with reference to that part of Her Majesty's Speech which relates to the discussions that took place last year between our Government and that of France on the subject of occurrences that took place at Tahiti. Towards the close of the last Session a question was put by my hon. and gallant Friend (Sir C. Napier) on the subject of the discussions then pending, which the right hon. Baronet very properly declined to answer, on the ground that it would be detrimental to the public service to make any statement, or convey any information as to the nature of the corres-

pondence between the two countries. But the right hon. Baronet followed that observation by an expression of his intention to submit at a future period full information on the subject. Now, without expressing any opinion as to the course which the Government has taken on this question, I may be permitted to say that no man more sincerely rejoices than I do that the dissensions which had sprung up between the two countries have been so happily arranged. For my own part, I should be extremely unwilling to press for the production of any correspondence which could have a tendency to create or renew any feeling of irritation, or to foment discord or jealousy between the inhabitants of the two countries. At the same time we cannot overlook the fact that this question is exciting a very warm interest amongst a very large class of persons in this country, as it is regarded by them to be of high importance to both our national honour and our interest. At present the House knows nothing of this correspondence, and has none of the documents except what it has derived through the newspapers, or from documents which have been submitted to the French Chambers. I hope that if it can be done without running the risk of exciting those angry feelings to which I have alluded, that the right hon. Baronet will still be able to fulfil the intention he formerly announced. I therefore beg to ask the right hon. Baronet the First Lord of the Treasury, whether it is the intention of Her Majesty's Government to produce any further documents for the purpose of affording Parliament full information on this subject.

Sir R. Peel: Sir, the right hon. Baronet has stated correctly what fell from me on a former occasion in this House with reference to the subject to which he has referred. At the same time, I do hope that, as the various subjects under discussion between the two Governments have been brought to a termination honourable to the respective countries, and satisfactory to the parties themselves, Her Majesty's Government will not be pressed for the production of the correspondence which passed on that occasion. I must observe, however, that I am perfectly ready to lay before the House a portion of that Correspondence, namely, two letters from M. Guizot, and one from my noble Friend at the head of the Foreign Department; but, whilst I express my readiness to do so,

I must intimate my opinion that this is all that is requisite for the purpose of elucidating the subject, and of vindicating the character of the nation; and I certainly do, at the same time, deprecate any further discussion on this topic, as not being in my opinion necessary or even called for, Mr. Pritchard having been appointed to a higher post, and to act in a wider sphere of action since the transaction referred to occurred; which appointment having since been confirmed by Her Majesty's Government, has been most fully carried out and acquiesced in. If I were to be called upon, and consequently obliged to produce the whole of the documents referred to by the right hon. Baronet, I should have to present to the House a correspondence which took place between the officers of the French and English Navy, and this would revive—I am sorry to express my sentiments—a most painful and irritating subject. It must also be observed, that the negotiations and the satisfaction that ensued were chiefly brought about by means of an almost daily personal communication between my noble Friend and myself, and the representative of the French Government here; and, consequently, the official agents of that Government had better opportunities for recording and preserving the occurrences and negotiations that took place than were possessed by my noble Friend and myself; the representatives of the French Government here being under the necessity of communicating what passed at these interviews by letter. But, whilst I make this observation, I must express a strong hope that the House is decidedly in favour of the principle upon which Her Majesty's Government acted throughout—namely, that of bringing the matter to an amicable termination; and, if that was achieved, of rendering that result a conclusive and final one. If the House is satisfied that Her Majesty's Government has acted with propriety, and in due regard to the honour and interests of the nation in this matter, I do hope that our statement of the broad features of the case will be accepted as conclusive; and that we shall not be called upon to produce a correspondence which arose out of irritating circumstances, and which would only tend at this moment to revive and prolong unnecessarily that irritation. I feel extremely obliged to the right hon. Baronet for the manner in which he put his question, and for the opportunity which he has thus afforded me of stating my sentiments on

the subject ; and I trust, for the reasons I have stated, that he will not be disposed to press the topic further.

Lord J. Russell : If I understand the right hon. Baronet correctly, the result of the negotiations between the two Governments is satisfactory ; and I agree, therefore, with him, that the production of any correspondence of an irritating nature between officers would be injurious to the Public Service. My right hon. Friend, I am sure, does not wish to have any such correspondence produced.

ECCLESIASTICAL COURTS.] *Sir G. Grey* begged to ask the right hon. Baronet opposite whether it was the intention of Her Majesty's Government to introduce during the present Session any measures for the better regulation of the Ecclesiastical Courts ?

Sir J. Graham said, that his Colleagues and himself had already given notice of the intention of Her Majesty's Government to introduce several measures of very great importance during the present Session ; and he must say, from the experience of the two preceding Sessions, he despaired of being able to frame a measure respecting the Ecclesiastical Courts which would be acceptable or satisfactory to the present Parliament. He did not know how his right hon. and learned Friend felt disposed to act, but he himself had no intention of bringing forward any measure.

MONTE VIDEO AND BUENOS AYRES.] *Mr. Ewart* said, he would feel obliged for an answer to the question he was about to put, if it were convenient to the Government to answer it ; if not, he would put the question on some other occasion. He alluded to the trade of the river La Plata, which had been so much obstructed of late, and it would give him great pleasure to hear that there was even an approximation to an arrangement of the subject. The British merchants entertained great apprehensions regarding the trade with these parts, as the Government of Buenos Ayres had interfered with the navigation of the river Plata. He had hoped, from the aspect which things presented last Session, that some combined operations on the part of the Governments of France, England and Brazil, would be attempted.

Sir R. Peel : I can assure the House the prolongation of the lamentable hostilities between these two small Powers, which interfered with the commerce of

other countries, has occupied the serious attention of the Government. We have already had communications on the subject with the Governments of France and the Brazils, and I cannot give a better proof to those in both countries who are interested in the cause of humanity and civilisation, of our present relations with France, than the assurance that the view taken by the French Government with respect to the continuance of these hostilities, is entirely in unison with our own. We trust also to have the concurrence of the Brazilian Government, in the measures which it was the intention of the English and French Governments to adopt. It is the intention of England and France to act in concert, and to make such a joint representation to these two Powers as we trust will induce them to terminate their hostilities. When the hon. Gentleman talks of combined operations, I hope he will not call for any explanations as to any future contingency. But I trust the good sense of these parties will induce them not to reject the joint offer of mediation by two such countries as France and England, with, as we trust, the concurrence of Brazil ; and we do hope that our renewed efforts in the cause of peace, which is so much the interest of all parties, will be successful.

RAILWAYS—BOARD OF TRADE.] *Lord G. Somerset*, in moving for leave to bring in several Bills for the Consolidation of Railway Clauses, Companies, and Lands, in England and Scotland, stated, that the object of these measures had already been explained on a former occasion by a right hon. Friend of his, it being simply to embody in one uniform Act the various enactments relative to the subjects which were scattered through many Acts of Parliament. There was an immense number of statutes relating to these matters, which occasioned a great uncertainty as to their provisions and effect ; and to remedy this inconvenience the Bills in question had been framed, three for England, and three for Scotland. With reference to the proceedings of the Board of Trade, in reporting on the different conflicting lines of railway submitted to the inspection of the officers of that Board, he must take that opportunity of assuring the noble Lord opposite (*Lord Howick*), that it never was the intention of the Government, nor, as far as he understood their sentiments, of the House, to render the decisions of the

Railway Committee of the Board of Trade final or conclusive. But it was felt that the House must have information on these most important subjects; and there was no doubt that good grounds existed for the decisions which had been already come to. He certainly should always look upon those decisions with a certain degree of deference and respect; but he never could consider that the House was bound to follow in the track thus marked out, any more than he himself should do as representing a constituency or as one of the body of Members. He trusted the Reports of the Railway Committee would, when regarded in this light, meet with the general attention of the House; but he attached no other weight to them than that which they would derive from their own intrinsic value and merits. He saw no objection to allow of sufficient time for consideration to those parties whose projects were adversely viewed, to renew their applications to Parliament after they had become cognizant of the Reports of the Railway Committee; and he therefor thought that fourteen days after those Reports were laid on the Table of the House might very fairly be granted for the purpose to enable parties so situated to deliberate. He trusted this course would meet the justice of the case, and that all parties would agree in its propriety and equity. This was all he had to say upon the subject. With respect to the Bills which he had to bring before the notice of the House, he trusted he should be permitted to lay them on the Table of the House, and to have them read a first time. He should then propose the Second Reading for Monday next, when his right hon. Friend would state their objects and details more fully to the House. The noble Lord moved for leave to bring in the first of the following Bills:—Companies Clauses Consolidation, Lands Clauses Consolidation, Railway Clauses Consolidation, Companies Clauses Consolidation (Scotland), Lands Clauses Consolidation (Scotland), Railway Clauses Consolidation (Scotland).

Viscount *Howick* thought the explanation given by the noble Lord opposite, with respect to the principle which he had touched upon the preceding evening, perfectly satisfactory. For his own part, he should be perfectly content if a space of fourteen days were to be allowed for deliberation after the Reports of the Railway Committee were printed and made public; but then it must be clearly understood, that

the fourteen days' delay was to date from the time at which these Reports became accessible, in order to enable the parties to have the full advantage of the period granted them to determine whether or not they would proceed. He also understood the noble Lord to intimate that it was the intention of the Government, that when two competing lines were submitted to the consideration of the Committee of that House, the Reports of the Railway Committee of the Board of Trade were also to be submitted to the same Committee. That was a point of extreme importance, and if it were conceded he should be quite satisfied. With respect to the Bills introduced by the noble Lord, he considered the House and the country were extremely indebted to the Government for having brought them in at so early a period of the Session, and he trusted they would soon become the law of the land. He would beg to ask one question of the noble Lord, which was, how soon it was likely the Reports of the Railway Committee of the Board of Trade on those lines of road which had been advertised as decided upon, would be laid upon the Table? It was extremely desirable that they should be made public with the least possible delay. He had only one more observation to make, which was, that in order substantially to place all parties upon an equal footing, care would be taken by the Government that where two competing lines came before the House, one of which had been adversely reported upon by the Railway Committee, the one favourably regarded by this Board should not be pushed forward, and prematurely thrust through the Committee on the Bill. ["Hear, hear."] Hon. Members cried "hear, hear;" but the suggestion which he had made was of great importance, for if time were granted to parties whose plans had been adversely reported on, to deliberate whether they would persevere and proceed with their Bill, whilst others, their competitors, were permitted in this interval to push their Bill through all its important stages, the effect would be to give the latter a most decided and a most unfair advantage. It was therefore most essential that the Government should so arrange the course of proceeding as not to permit a Bill to be hurried on through its second reading to the Committee, but so to regulate its progress as to afford the House an opportunity of judging of the merits of a competing Bill. This regulation was most

essential, in order fully to carry out the views stated by the right hon. Gentleman the President of the Board of Trade, who had distinctly promised, that whether a railway project had been favourably reported to the House, or otherwise, it should receive a fair and full examination, if its promoters demanded it, when the line of country which was adopted came under the consideration of a Committee of that House.

Mr. *Hodgson* wished to offer a remark upon an observation which had fallen from the noble Lord, and which might be considered referrible to himself. The noble Lord had expressed an opinion, that when a line of railway which had been favourably reported upon came before the House, it ought not to be suffered to proceed until the parties to the competing line which had been adversely viewed by the Board of Trade should have determined whether they would proceed with their Bill or not. This arrangement or regulation would, in his opinion, be extremely objectionable, inasmuch as a company, though it had resolved to withdraw from competition, might yet delay to announce its withdrawal, in order to be able in the interim to extort a compromise from the parties to the line favourably reported on. What he would propose in this respect was not that a rival line should be compelled to delay its progress until its competitor was prepared to go on, or to announce its withdrawal from the contest, but that the latter should appear simultaneously before the Committee, whether prepared to proceed or not; and that the Committee should, upon an examination of its plans, sections, and estimates, as well as of the other elements of the line, adjudicate between the two, so as to enable one of them to get through Parliament during the present Session.

Sir *G. Grey* thought that his noble Friend (Viscount Howick) had been misunderstood by the hon. Member opposite. His noble Friend had not proposed that the progress of any Railway Bill should be arrested or suspended indefinitely, but simply that the House would allow of a delay of fourteen days clear from the period when the Report was made public, for the purpose of enabling parties adversely situated to determine whether they would proceed or not, a stipulation which appeared fair and equitable.

Sir *R. Peel* had expressed yesterday his desire that the matters brought under

consideration by the noble Lord opposite should have an impartial consideration on the part of the Government, and that all parties should be placed upon a fair and equal footing in that House, so as to satisfy them that substantial justice was done. What he then said was, that parties were to be allowed to present their Petitions whenever they thought proper to do so within the stipulated period, but that they should not be compelled to do so until fourteen days had elapsed after the Report had been made public. He had since then had an interview with his noble Friend the President of the Board of Trade, who had considered it not advisable to postpone the presentation to the House of those Reports which were already completed, until the whole of the Reports relating to other distinct and separate lines of railway under consideration were completed. His noble Friend, therefore, would be prepared in the course of the ensuing week to lay before Parliament the whole of the Reports affecting one particular line of country or district,—say, for example, that of West Kent, in which would be included all the railways that were classed under that head. After this, other lines similarly classed would follow in succession, and the whole of the Reports would thus be arranged under, perhaps, six or seven families, if he might so term them, of railways, being laid before the House as rapidly as the circumstances rendered it possible. He had communicated also with his noble Friend on the subject of the noble Viscount's observations of last evening, and he was entirely of opinion with himself that it never was the intention of the Government to fetter the House by any opinions or Reports presented or offered by the Department of which he was at the head; but that the preliminary examination to which railways were submitted at the Board of Trade, were merely instituted for the purpose of arriving at a proper knowledge of the grounds of each undertaking, and of the reasons which existed for or against it; in the firm confidence that, if the reasons set forth in the Report of that Board were good and sufficient, they would prevail against all the private influence that could be brought to bear upon the projects. He was, moreover, fully confirmed by all that had passed on this subject, that nothing could be more calculated to do harm, than that any Government should interfere, or in any way use its influence, in such matters. The Railway Committee of the

Board of Trade had been instituted for the sole purpose of eliciting information upon the important subjects brought under its notice, and of affording that information to Parliament, and not with the most distant intention of compromising the neutrality of the Government upon such questions.

Colonel *Sibthorp* said, it was well known he was not particularly partial to railroads, and that he had no interest in any of them; but his principal object in rising was to put a question. In putting it he hoped he should not be wanting in due courtesy to the House or to the noble Lord the Chancellor of the Duchy of Lancaster, whom he highly respected. An impression had gone forth that some one of the five Members composing what were called the Railway Commissioners—he spoke with no disrespect of them; on the contrary, he had a great respect for those hon. and right hon. Gentlemen, though, at the same time, he must say, he knew none of them personally—might have some interest in these matters; and that report having got abroad, he thought it would be wise if it were contradicted. The question, therefore, which he wished to ask was, whether any of those five Members composing the Commission, directly or indirectly, had shares in or were connected with any of those railway schemes which had undergone their consideration? He thought it right to ask this question, because there was an opinion abroad that they could not be looked upon exactly as that impartial Court of Inquiry which he was sure the House and the country wished them to be.

Lord *G. Somerset* said, his information upon the subject of the question put by the hon. and gallant Member was very limited. He was not consulted upon the formation of the Railway Committee of the Board of Trade, and all he could say was, that the parties most interested in the proceedings before the Railway Board had always, so far as he knew, expressed themselves exceedingly well satisfied with the candour and intelligence with which their schemes had been discussed. As to whether any of the Committee held shares in any railway, he really could give his hon. and gallant Friend no information; but he was quite sure that, if they followed his advice, they would get rid of all their shares in such undertakings, if they had any, as soon as they possibly could.

Mr. *Wakley* said, the question put by

the hon. and gallant Colonel had not been answered. He believed the noble Lord was not capable of answering it, and that he was not in possession of any information upon the subject. That information must be obtained from other parties. It was quite true, as the hon. and gallant Colonel had stated, that reports were actively and extensively circulated in the city to the prejudice of the Railway Board. They were, indeed, general throughout the city; and it was there stated, broadly and openly, by parties acquainted with railway transactions, that some private information must have been communicated in the market, or certain parties would not have made such enormous sums of money as they were said to have gained during the last few weeks. The right hon. the First Lord of the Treasury, in the House yesterday alluded to the circumstance of how injurious it would be to the character of the Government if such reports were circulated and could not be contradicted, but at the same time he wished to have something in the shape of a tangible accusation. The right hon. Baronet must be aware there was the greatest difficulty in obtaining such information as that; but this was quite clear, that certain parties in the city (he had had this information that morning), who had been engaged in the sale of Railway shares, happened to have been right in their speculations, and not wrong in one single instance, for several weeks past. One Gentleman, on Saturday se'nnight, made 40,000*l.* by the sale of shares in that single day, those shares having gone up from a small premium to 9*l.* or 10*l.* in the course of a few hours. The noble Lord the Member for Sunderland had opened this question in a most able practical speech; the right hon. Baronet paid that attention to it which the subject deserved; he gave to it a consideration which showed that he was open to receive impressions from either side of the House; and he at once yielded to the request of the noble Lord to delay the discussion till this night. But the question then opened ought not thus abruptly to terminate; and if the only result to be obtained by the speech of the noble Lord was an extension of time with regard to the introduction of Private Bills, the good which he for one anticipated would be lost, and he should be disappointed. The right hon. Baronet, a few years since, when he sat on the Opposition side of the House, stated he had been himself employed—he might be wrong

with regard to the exact number of days—sixty-three or sixty-five days upon a Railway Committee, he believed the Stafford and Rugby Committee; and that during the whole of that time he had seen a gigantic company, having at its disposal enormous funds, fighting another company in the Committee rooms of the House, beating justice and principle entirely out of doors. The right hon. Baronet stated he saw the iniquity then himself which had been perpetrated, and, sitting on the Ministerial side of the House, he remembered saying to himself, “Well, the right hon. Gentleman is very near office, and this is one of the evils that will be remedied upon his taking a seat on my side of the House.” But yesterday, when the subject was introduced by the noble Lord, the right hon. Gentleman stated how difficult it was to control barristers in the addresses they were in the habit of making to Railway Committees. This was really a most extraordinary declaration for the First Minister of the Crown to make. Here was a Minister who could influence foreign powers—whose influence could blanch the cheek of a foreign despot, carrying on his infamous practices thousands of miles from the shores of this country, declaring in his place in Parliament it was a most difficult thing to control barristers in the addresses they made to Committees of the House! Now, he must say, that the conduct of Committees of the House with regard to Private Bills was not only injurious to the best interests of the country, but it was absolutely disgraceful to the cause of justice. It was detrimental to the character of the House, for they could not be ignorant of the practices that were carried on there. He had been informed that barristers of very moderate ability last Session made no less than 6,000*l.*, 8,000*l.*, 10,000*l.*, or 12,000*l.*, in the Committee rooms of that House. A difficult thing to control them! Why, if the right hon. Gentleman would only apply his vigorous mind to the subject, in the short space of four hours he could not fail to discover a mode to remedy the evil; and it was only for want of applying his mind to it, that the House had now no remedy before it. Of course, he entertained too much respect for the honourable profession of the law to throw out any insinuations against barristers. But somehow or other, generally speaking, the common sense public of England discovered the best mode of transacting their own business; they generally found out

the best mode of accomplishing their object, in regard to all transactions wherein their pecuniary interest was concerned. Now, suppose the right hon. Baronet employed a physician, and said to him, “So long as I am ill I’ll pay you ten guineas a day,” when did he think he would get cured? Or, suppose the right hon. Baronet got into a cab at the end of Oxford-street, and said to the driver, “I want to go and see the Lord Mayor at the Mansion House. I don’t know where that is, nor do you, but as long as you are looking for it, I’ll give you a guinea an hour;” when did the right hon. Baronet think the cab-driver would find the Mansion House? Now, what was the common and ordinary rule of paying barristers? Why, they were paid by the job. That was the common and ordinary rule out of doors. [“No!”] Yes it was. A barrister got a fee in a particular case; and how long did the trial last? Why, it was a marvellous thing if it lasted two days. He had his fee for that, and he would get no more if it lasted a fortnight. He had a motive for bringing the case to a conclusion within a limited period. But before the Committees of the House the practice was totally different. He was not himself acquainted with the fact, but he had been informed that a barrister appearing in a Committee room of the House was paid by the day; therefore he had certainly no very strong interest in shortening the discussion there. Something of this kind had been related to him:—A bill which consisted of 183 clauses had to be discussed in a Committee; a junior barrister wanted time, in order to get his senior there. The senior was engaged elsewhere, and it was perfectly notorious that the seniors required Committees to be adjourned from day to day, and witnesses to be detained, at an enormous expense, until it was convenient for them to be present to take up the business. He had been informed of a junior barrister—he was very young—and he supposed merely carrying out his alphabet, but it seemed he did it with a great deal of boldness and ingenuity—who had addressed the Committee somewhat in these terms: “Mr. Chairman and Gentlemen, the Bill which I hold in my hand consists of 183 clauses; each clause contains a distinct subject; and that subject, I find upon being sub-divided, embraces thirteen sub-divisions. Sir, I shall go over these thirteen sub-divisions in each clause.” And then the learned gentleman entered upon

the first sub-division of the first clause; he argued the question he had to introduce in a circle, for there was neither beginning nor end to it, and he thus discussed it for five hours, at the end of which it was intimated that the Speaker had taken the chair. On the following day one of the Committee said, "Good God! when is this Bill to terminate? I will go and insure my life, for we have not got out of one of his sub-divisions yet, and we have 183 clauses to go through, with thirteen sub-divisions in each. I am sure it will be the death of me." Really, when, common sense was applied to a practice of this kind, it did call loudly for some immediate remedy. Upon every view that could be taken of the subject it called for a remedy; there was not one aspect of it that could be presented to the mind that did not say to the House, "Apply a remedy to this crying evil." Some one was robbed in all transactions of this kind; it was not honest dealing. All parties in that House were robbed of their time, their comfort, their health, and their convenience, whilst there were other parties who were robbed of their money, and possibly ruined by these disgraceful proceedings. He thanked the noble Lord the Member for Sunderland, for introducing the subject in his able speech yesterday; and he also thanked the right hon. Baronet for the manner in which he had listened to it, as well as for the course of conduct he had pursued in relation to it. He would only trouble the House with one other remark; it was with regard to the secret transactions of the Railway Committee of the Board of Trade. The noble Lord had very properly alluded to the vast amount of property placed under the superintendence, or rather under the regulation, indeed, almost at the disposal of that Board. The noble Lord had also remarked, that in all other trials where property was the subject, the investigation was open before the public; if it was in relation to the value of a basket of oranges only, the inquiry was always conducted in public. The reports in circulation on this subject were most injurious to the character of the Board; and he had no hesitation in saying that they must ultimately reach the Government, so that its character would be implicated. Gentlemen opposite were perhaps scarcely aware of what was being said upon the subject in the city. What objection was there, if the Board were acting honestly by the parties concerned and the public, to throwing their doors open from

this hour, so that the public might see what transpired there? If there were objections, if it was to be a secret tribunal, if there were insurmountable obstacles to making the inquiry public, he would say it was better that such a Board should be at once abolished; for it might not only inflict injury upon private individuals who had done no wrong, but he was positive it would bring the character of the Government of this country into irretrievable disgrace.

Mr. Gladstone said, the hon. Gentleman who had just sat down had alluded to the enormous expenditure attaching to railway transactions before Committees of the House; and he concluded his speech by asking what reason could there possibly be why the inquiries of the Railway Department of the Board of Trade into the merits of railway schemes should not be conducted with open doors. He would give the hon. Gentleman one reason. It was the fear, if those inquiries were made publicly, as the hon. Gentleman would find, that before any very long time elapsed, the complaints he had made of the dilatoriness and the enormous expense of private business before Committees of the House, would be justly applicable to the Railway Department of the Board of Trade. There was very great difficulty, he admitted, in inquiries not conducted with open doors; but it was to be recollected that, as the noble Lord had most justly stated, they were in no respect to be considered binding in their result. They were in the nature of preliminary inquiries; they did not pretend to be definitive inquiries. It was quite impossible they could be definitive; and the question was whether, upon the whole, it were expedient, considering the difficulty that attended these cases, that such preliminary inquiries should be made by that House itself. He confessed he had a very decided opinion, so far as it had been tried, that the experiment had worked well; but, at the same time, he fully granted to the hon. Gentleman that any instrument of inquiry which necessarily involved secrecy, was an inadequate and imperfect instrument. It could not lead to any certainty in the decision; and, therefore, he fell back upon the declaration of the noble Lord, that the Board did not profess to give anything like a definitive result to the House. He hoped the House would be content to look at this question, not with regard to general or abstract principles, but with

regard to practical results; he hoped the House would consider that we were in a crisis in railway matters, in which a mass of proposals and of plans had been brought forward; that the whole speculative action of the country had concentrated itself upon railways; and that although there might be faults found with particular decisions, although there might be with regard to certain lines feelings of objections against any inquiry not perfectly public, yet he asked the House what would have been the condition, the prospects, and the state of the railway share-market, and of speculation in that market, if there had been no Board of this kind to simplify and reduce the business within practical limits, so as to enable the House of Commons to proceed? He did not think any hon. Gentleman could estimate lightly the difficulties under which the House of Commons would have been placed at this moment, if 240 Railway Bills had been placed upon the Table, with no guide or clue whatever to assist them, but subject only to the operation of the ordinary rules, defective as the hon. Gentleman had shown them necessarily to be, under which the private business of the House was conducted. It was very likely that a fuller discussion of this part of the subject might take place at a future time. The interests involved were so immense, that he could not wonder at many parties being disappointed at what had taken place. The hon. Gentleman had adverted to the rumours which he said were abroad in the City. He would express his own confident opinion, not at all in opposition to the declaration of the hon. Member, that although injurious rumours might have gone abroad, up to this moment the public sentiment was, upon the whole, decidedly in favour of the decisions to which the Railway Department of the Board of Trade had come. The general impression, he firmly believed, was, that the very difficult functions which that Department had had to discharge, though by no means perfectly discharged, had been intrusted to competent persons, and approached by those competent persons in a spirit of candour and of impartiality. He must also say, in defence of the Department, that the utmost possible precautions had been used to insure perfect secrecy. The hon. Member for Finsbury said, that some notions had got abroad, before the publication of some Report of the Board, what that Report would be; but a very small part of the hon. Gentleman's sagacity would have enabled him to see that that

statement by no means amounted to a proof, nor, indeed, to a strong presumption, that anything had been divulged by those connected with the Railway Department of the Board. If the decisions had been reasonable decisions, if they were founded in any degree upon the facts of the case, of course those parties who had gone before the Railway Department, who had paid attention to the questions put, and observed the facts that had come out in the course of the interview, would draw their own inference as to the probable results; and, therefore, in the proportion as any decision, reasonable in itself, might be anticipated by parties of active minds, they would probably operate accordingly. He was quite satisfied that, if the House were aware of the pains that had been taken to prevent the possibility of the premature transpiring of intelligence, they would agree with him in doubting whether it had transpired. It was impossible to be sure in all cases that you have succeeded in preventing this—*aurum per medios ire satellites*; but you may be satisfied as to the precautions. The decisions of the Board, in point of fact, were not formally given until almost the very moment before they appeared in the *Gazette*; and no communication respecting them, either verbally or written, was made by any person being a Member of the Railway Department, except to other Members of the Department. Even with regard to the boxes in which the papers were kept, the utmost precautions were taken. The locks had been made for the purpose. The Members of the Department were aware that every effort would be used to get at some notion of the Reports before they appeared; and he must say, that although reports might be abroad, he was not, under the circumstances, surprised at them; but nothing that the hon. Gentleman had said, and nothing that he had heard from any quarter, tended to convince him that anything which could fairly be called information of the intentions of the Board of Trade had, in any case, gone before the public. Now with reference to the question asked by his gallant Friend the Member for Lincoln, whether any Member of the Railway Department of the Board of Trade had shares in any railway. With respect to his noble Friend the President of the Board (Lord Dalhousie), he was for his acts subject to a Parliamentary responsibility, and it had never occurred to him to put the question to his noble Friend. With respect to three out of the four other

Members who formed that Board—he alluded to Mr. Porter, to General Pasley, and to Mr. Laing—they were connected with railway matters before he (Mr. Gladstone) came to the Board of Trade, and he had never put to them the question whether they held any shares in any railroad. At the same time he had a very confident opinion that they did not possess any. There was one other Member of the Board for whose appointment he was himself responsible, Mr. O'Brien. Mr. O'Brien had for a long time discharged, in the most satisfactory manner, the duties of private Secretary to his right hon. Friend the Secretary of State for the Home Department; that Gentleman had spontaneously made the statement that he was the holder of two or three shares, and, with his concurrence, an arrangement was made by which that gentleman disposed of his shares. He hoped that this explanation would be satisfactory to his hon. Friend. As respected the observations of the hon. Member for Finsbury, although it was easy to deprecate the expense of Committees of that House, and the mode in which the private business was transacted, it was very difficult to apply an effectual remedy. They could not do it by any sweeping measure; but he hoped the hon. Member would see they had already begun the work of piecemeal reduction. The present system with its defects was intimately mixed up with the modes and the habits of thinking of the people of this country; there was a great jealousy as to the protection of local interests, and of the right of every one to have a full representation of his views, and this did create complaints of embarrassment in the discharge of the duties of private Committees. At the same time he must call to the recollection of hon. Gentlemen that last year he had proposed the experiment of referring certain classes of Railway Bills to Select Committees. He believed that experiment had upon the whole met with success, and that the experiment had tended to diminish the expenses, and to abbreviate the speeches of counsel. Still there were many difficulties to encounter, and he believed that his right hon. Friend could more easily, as the hon. Member said, blanch the cheek of a foreign despot, than shorten the speeches of counsel. There was, however, a complaint of another kind against the proceedings of these Select Committees, that they had too much shortened the representations made by different parties, and did not give full and

free scope for the explanation of their views as to their measures. There were, in fact, two conflicting interests, and the difficulty could only be approached in a practical form. The question then before the House was, whether leave should be given to bring in one of several Bills abbreviating the Railway Bills; he was sure that his noble Friend would find many persons anxious to assist him in shortening and cheapening these forms and proceedings; but he would assure him he would find not only a difficulty from conflicting pecuniary interests, but also from the conviction of every man that he had a right to a full representation of his views before a public tribunal, subject to canvass this way and that. With respect to the proposal to provide further time for the introduction of the Railway Bills, he could only express his concurrence with the noble Lord opposite (Lord Howick), and his right hon. Friend (Sir R. Peel). He hoped that he himself had done pretty full justice to all parties; certain he was that the Gentlemen of the Board of Trade who had had such a difficult struggle amidst the accumulation of Bills brought before them, should receive every fair consideration and indulgence at the hands of the House; and, receiving that consideration and that indulgence, it would be found they had made such effectual inquiries as would diminish the heavy labours of Parliament, and bring within reasonable limits an amount of toil which would otherwise have been perfectly beyond their reach.

Mr. *Divett* had seen many persons who had been mixed up with these inquiries, but had seen no one who concurred in the views of the hon. Member for Finsbury. They were all anxious to believe that the secrets of the Board of Trade had been kept beyond the reach of suspicion; at the same time, he was not in the least surprised to hear these reports current, seeing there was a feverish speculation, such as had never before been known; and he believed that prices of shares had been affected, not solely by the particular merits of each undertaking, but largely by the spirit of speculation. He believed, that if there were any institution capable of putting a stop to the evils which had already existed, it was this preliminary inquiry of the Board of Trade.

Mr. *Entwistle* submitted to the noble Lord who originated this discussion, whether it were necessary to allow twenty-one days for the liberty of presenting a Petition

for a Bill after the reasons of the Board of Trade should be made known. He had made inquiries, and found that the expenses of a Petition for a Bill would not be more than 30*l.* or 40*l.* If this were so, he saw no reason for delaying the preliminary step of presenting the Petition, although he concurred in the opinion that parties should not be called upon to proceed and incur any larger expense before they had examined the reasons of the Board of Trade.

Mr. *R. Yorke* would only mention one remarkable fact connected with this subject. In the case of the Churnet Valley Railway, the shares of which it was extremely difficult to keep at par at a certain hour of the day previous to the appearance of the *Gazette*, yet a few hours before the *Gazette* was published, they rose 9 or 10 per cent. There was no dispute as to that. Again, the intention of the Government with respect to the harbours of refuge, although the Report of the Commissioners had not been presented to Parliament, had been known for some days, and a paper just distributed, indicating the intention of Government on commercial measures, had appeared in one of the newspapers a fortnight ago. It was perfectly clear, therefore, that there was some source whence these facts were learned before the declarations of Government were made. It was a subject which deserved serious attention, as it affected the integrity of the Government, and its elucidation was necessary for the satisfaction of the public.

Leave given to bring in the first Bill, and all the other Bills in succession.

CORN LAWS—AGRICULTURAL PROTECTION.] Mr. *Cobden* said, before the question was put from the Chair, he begged to call the attention of hon. Gentlemen sitting on the Ministerial side of the House to a subject which he considered to be one of very great importance to themselves, as well as to that large class whom they represented both in and out of the House of Commons. He would do so with all deference to them. He had delayed doing so till the last moment. On all former occasions, when the agricultural districts had been in a state of distress, the Queen in her Speech to Parliament had made allusion to it. He had heard but one explanation given why the subject was not mentioned in the Speech on this occasion. An hon. Member of that House had stated that the reason why agriculture was not referred to in the Speech was, because the

agricultural districts were not in a state of prosperity. Hitherto he had supposed that this was the very reason why some allusion was made to it in the Speech from the Throne. Hon. Gentlemen opposite might remember that last year he brought forward a Motion for a Committee to inquire into the state of agriculture, with a view to ascertain how far it was affected by protection. At that time wheat was 56*s.* a quarter, and he then stated that he believed that protection was a snare and a delusion to the farmers. Wheat was at the present moment at 45*s.* 7*d.* per quarter; he would, therefore, ask hon. Gentlemen opposite whether they could justify themselves to the farmers, or to the House of Commons, in coming to Parliament—possessing, as they did, the full confidence of the farmers, and being endowed, as they were, with vast Parliamentary power—and using that confidence and that power in passing a law to keep up the price of the commodity in which the farmers dealt, and then going down to their several homes, and leading those farmers into contracts for the payment of high rents grounded upon that device and delusion. This was a point deserving mature consideration, and one which ought to be referred to a Committee of Inquiry. It was stated by Lord Beaumont, at the Great Protection Meeting, held on Monday last at the Freemasons' Tavern, that the farmers looked for protection up to the price of 56*s.*, whereas the price was now only 45*s.* 7*d.*; and the noble Lord made use of an expression which had been previously used by the hon. Member for Somersetshire, (Mr. Miles), and asked "what has become of the promise of 56*s.*?" This surely was a point which ought to be cleared up by that House. Hon. Gentlemen opposite had attributed agricultural distress to legislation, and so did he; but they thought the farmers were suffering for want of more protection, whereas he thought they were suffering by protection. If, then, legislation was at the bottom of the distress of the farmers, was it not a fit question to be discussed in a Committee of the House of Commons? Hon. Gentlemen opposite, no doubt, represented a very numerous and powerful interest; but were not those interests which he and his Friends around him represented, also sufficiently numerous and important to merit the appointment of a Select Committee to inquire into a question of this nature? He now rose in his place to propose to the hon. Member for Somersetshire

(Mr. Miles), that on this, as on former occasions, there should be a Committee to inquire into the cause of agricultural distress. He was not without hopes that this proposition would be acceded to by the hon. Gentleman and the Friends who sat around him; for he (Mr. Cobden) had had the honour of mentioning to that hon. Gentleman his intention to submit such a proposition to the House; and the opinion which the hon. Gentleman then expressed, and the courtesy with which he received the communication, gave him every ground to hope that he would accede to the proposition. If this should be the case, and if the hon. Gentleman and the powerful body to which he belonged were of opinion that a Committee should be appointed, they need not go to the Government to ask them to support it; for seeing that nearly the whole of the Members on the Opposition side of the House gave their support to a similar Motion brought forward by him last year, it must be obvious that if they now joined with the hon. Gentleman opposite and his Friends, they might act independently of the Government, and compel the Government to acquiesce in the appointment of a Committee. But there was no doubt the Government would acquiesce in such a proposition, for they would see the importance of it. All that he asked for on this occasion was inquiry; he therefore had only to add, that if hon. Gentlemen opposite had not yet made up their minds to assent to this proposition, he should feel it his duty, after giving them a week or a fortnight to consider of it, to renew the Motion which he made last Session.

Mr. *Miles* begged to thank the hon. Gentleman for having informed him that it was his intention to put this question, not merely to him individually, but to other hon. Members connected with agriculture. He was merely a representative of a part of the county of Somerset, and could not state either the wishes or the wants of the agriculturists of England in totality. If the hon. Member wished for the appointment of a Committee upon agricultural distress, his proper mode of proceeding would be immediately to apply to Her Majesty's Government, and ask them whether they would consent to such a Committee. Now, for himself, and he thought he might say for those Friends who generally acted with him, he could state that they had no intention of asking the Government to appoint a Committee to inquire into Agricultural Distress. The

hon. Member for Stockport had referred to some speech which had been delivered at a public dinner lately held by the Agricultural Protection Society at the Freemasons' Tavern. He certainly did not consider himself bound by, or answerable for, everything that might be affirmed, without previous concert with those connected with that great interest, by any noble Lord at a public dinner, especially recollecting, as he perfectly did, how exceedingly guarded the right hon. Baronet at the head of Her Majesty's Government was, on a former occasion, in affirming that he would guarantee to the farming interest any fixed price for wheat whatever. The hon. Gentleman must be aware that from various circumstances, and from a variety of causes, and even from the very nature of agriculture itself, prices would vacillate between such prices as those—56s. and 46s. a quarter. Still the farmers had their own idea of the cause of their distress; but he did not think they would come forward at the present moment and ask for the appointment of a Committee to inquire into the cause of that distress. The hon. Gentleman must take his own course; but he rather doubted whether the kind of concert which the hon. Gentleman had offered to him, and to those who sat near him, could be acceded to. He doubted much whether any such concert could be effected. Answering, however, for himself, individually, he might be permitted to say that he could not have the least objection to the appointment of a Select Committee; but he must beg not to be put upon it, having already sat on a similar Committee for two years without coming to any practical conclusion whatever; he should much rather leave it to abler and better hands to state what were the causes of, and what would be the best means to alleviate, the present agricultural distress. There were Gentlemen on that side of the House, he believed, who were both able and willing to state their opinions upon those points.

Mr. *Milner Gibson* said, it had given him great satisfaction to hear the hon. Member for Somersetshire state, as far as he was himself concerned, he would give his vote for the appointment of a Committee. [Mr. *Miles* had not intimated that he would vote one way or the other.] He certainly understood the hon. Gentleman to say, he was favourable to the appointment of a Committee to inquire into agricultural complaints, and that he would support the Motion. [Mr. *Miles*: I said

I would not object to it.] He was sorry that he had misunderstood the hon. Gentleman; but he must say, it would appear rather remarkable, considering the experience of past times, if the House should reject so judicious a proposal as that suggested by his hon. Friend. If there were one subject more than another upon which the minds of the Members of the House ought to arrive at an accurate judgment, it was the subject of agricultural distress. In fact, it seemed a part of the Corn Law system to have periodical inquiries into agricultural distress. A Corn Law would not be a Corn Law without a Committee on agricultural distress. They had had complaints of distress under every Corn Law. They had had Committees of inquiry; and was there any difference in their position now? They had a Corn Law, they had distress—why not have inquiry? It appeared to him to be a most reasonable proposition, upon the special ground stated by his hon. Friend, namely, that it seemed to be the opinion on both sides of the House, that it was legislation which created agricultural distress. His hon. Friend thought that it was protection by legislation which did so, while hon. Gentlemen opposite were of opinion that it was the diminution of protection by legislation. But, in his opinion, they would have had the same distress if the Corn Law of 1842 had not been passed. He was not disposed to trace the reduction of prices to the reduction of the duty by the Bill of 1842; on the contrary, he thought it was the natural consequence of placing reliance on protection that there should be periods of agricultural distress. He regretted to see, notwithstanding all this, and notwithstanding the baneful influence of the principle of protection—it was no later than on Tuesday evening that they heard the noble Lord, the Member for the City of London (Lord John Russell) declare that protection was the bane of agriculture—he regretted to find, notwithstanding all this, that the same evil system was beginning again. They had been told by men of high rank and influence, at the meeting lately held at the Freemasons' Hall, that the principle of protection would be maintained, and a solemn assurance was given to the farmers assembled there, that no further attempt would be made to meddle with the advantages they now enjoyed. Now, he really should like to ask the right hon. Baronet at the head of Her Majesty's Government

whether he had ever given any such assurance—whether he could, by possibility, have given to the Central Society for the Protection of Agriculture, or whether he had given an assurance to any individual, however high in station, that he would not meddle with the existing Corn Laws, and not diminish the amount of protection which was at present afforded by that law? He had seen so much caution on the part of the right hon. Baronet not to give any pledges as to any future course he might deem it his duty to pursue, that he was warranted in not giving credit to that statement. But he thought it most desirable that the right hon. Baronet should disabuse the public mind as to his having given any solemn assurance to any body of men, or to any individual, that it was his intention to support the present Corn Law. It was necessary on the part of the right hon. Baronet, in order to avoid inducing the farmers to place too confident a reliance on that system of protection which had begun to be broken down, that he should reiterate those sound principles which he had already declared; and he would, therefore, ask the right hon. Baronet whether or not he had given any assurance to the Agricultural Protection Society?

Mr. G. Banks concurred in the regret expressed by the hon. Member for Stockport (Mr. Cobden), that in the Speech from the Throne no reference had been made to the distress which so generally prevailed in the agricultural districts. To none other, however, of the other propositions of the hon. Gentlemen could he assent, nor could he for a moment think that a coalition could be entered into between the agriculturists and the League to effect the removal of that distress. And further, if the hon. Gentlemen persisted in a Motion for a Committee of Inquiry, he should not support him. He thought that an inquiry into the causes of agricultural distress was not needed. For his own part, he was satisfied to believe that the distress resulted from the changes which had been made in the Protective Laws. Whether that distress would be permanent or not, time would show; but that those changes had produced the present particular distress amongst the agriculturists, he had no doubt. The hon. Member who had last addressed the House, had referred to a speech of the noble Lord, the Member for London, in which that noble Lord stated that protection was the bane of agriculture. It remained for the House to consider

whether the noble Lord had not very materially changed his opinion in that respect since the time he was in office; or whether, in proposing a fixed and protective duty, the noble Lord considered that that protection was no protection at all, and consequently whether his Lordship considered, that in making that proposition, he was proposing something which he believed would be no gain to the interest that he professed to serve. The hon. Member for Wolverhampton, (Mr. Villiers), when speaking a few nights ago of the increased prosperity of the manufacturers, seemed to admit that to the same circumstance which had occasioned their prosperity was owing the depression of which the agriculturists complained; and then, with the same degree of unfairness, he seemed to contend that the agriculturists must still more be depressed, that the manufacturers might rise. He was highly gratified to hear that both parties were not to suffer together. He was glad that the distress suffered by one might prove a benefit to the other; but let them be satisfied with the prosperity that it produced to one, and not endeavour to increase the misery of the other. With regard to what had fallen from the hon. Member for Montrose, relative to the temptations that might be offered to Russia to enter into a modification of the protective duties, when the hon. Member said, that Great Britain should show some spirit of conciliation by taking the first step towards such a measure, he would say, that in the opinion of many people, England had made a pretty good stride already, and that it was for the other country to take the next step. He did not ask them for a Committee of Inquiry; he trusted that the Government would give them something better. The immediate cause of the present distress he took to be this—that though during the past year there was an average wheat harvest, in respect to almost every other description of crop, in the south particularly, there was a great deficiency; and therefore, since by the alteration of the Protective Laws the farmers could not look to wheat, as they might before have done, to make up the deficiencies in other crops, they were at this moment suffering very great and general distress. He would admit that the distress would not have been felt to so great a degree if the crops of oats, barley, and other produce had been equally good with the wheat crops; but it was not consistent with the fact to say that the

alteration in the Protective Laws had not been the great cause of all. He was satisfied that it would not be desirable to appoint such a Committee as had been alluded to, and, should such a proposal come definitely before the House, he should feel it to be his duty to oppose it.

Mr. *Bright* had attended many agricultural meetings, and had derived considerable amusement from what had taken place at them; but if one thing more than any other had struck him to be unfair in the proceedings of those meetings, it was the conduct of those Gentlemen who took upon themselves to be the counsel of the farmers, and their guardians and defenders both in doors and out of doors. Their conduct had been such for several years as made him believe that there was something rather hollow in the character they assumed. We read in a very ancient book of “dumb dogs that would not bark.” Hon. Gentlemen who cultivated the soil, stated that the legislation of that House was the cause of the present agricultural distress. But were they not parties to that legislation? They were consenters to the measure which produced the distress. Surely no proof need be adduced for that, for there was a very large majority in favour of the measure which hon. Gentlemen now said had produced distress. Now the great majority of that House were landed proprietors. It did appear to him, then, that if by their legislation distress had been occasioned, the farmers had at least one claim to make upon those who voted for that measure, namely, that they should either retrace their steps, undo their work, and go back to what was right, or else they should go home to their estates, and reduce their rents down to a proper level with those circumstances which their legislation had placed their tenants in. He looked upon this refusal to inquire with very great suspicion. He believed it arose from this cause:—the public mind, and the representatives of the public mind in that House, were too much alive to allow any Committee to do what Committees were accustomed to do in former times. One of two things would be recommended—either that the taxes pressing upon the farmers should be reduced, or that greater protection to agriculture should be enacted. He would ask hon. Gentlemen opposite, whether they believed it was possible to do either one thing or the other? They might as well attempt to stay the operations of nature as to go back to the protective principle

in this country. They had long ago taken from themselves the power of reducing any taxes peculiarly pressing upon the farmer, for in their avaricious desire to gain high rents they had in past Sessions repealed almost every tax upon the farmers; and that which once went into the Exchequer, now went into the landlords' pockets in the shape of rent. Therefore, they did not deem it prudent, or even useful, to have a Committee. In his opinion it was most inconsistent that hon. Members who called themselves the guardians of the agricultural interest, should stand up and say that that great interest was being frittered away by measures passed by the very Ministers whom they had placed in office, and yet that they should not oppose those measures, nor give up the contest as hopeless, and acknowledge that they had been wrong. The hon. Member for Somersetshire had said that the right hon. Baronet, in proposing the New Corn Law, did not propose a protecting price varying from 54s. to 56s. The words of the right hon. Baronet on that occasion were these:—"As far as certainty of price was concerned, if 56s. could be guaranteed by legislation, that was the object of the Bill." That was certainly a guarded mode of expression on the part of the right hon. Baronet when addressing the British Parliament; but what had been the conduct of the landowners out of Parliament? It had been to make that guarded expression by the first Minister of the Crown a certainty to the farmers. Their stewards and land agents—the men who were paraded at the agricultural meetings as tenant farmers, had told the farmers that the Minister had secured to them 56s. a quarter; nay, the magistrates of counties had assessed property to the Poor Rate, upon the estimate that the price of wheat would be 56s. a quarter; and it was asserted that the Government had guaranteed that price by the new Corn Bill. This course had been pursued from the very moment that the Bill was passed; and yet every body who had any understanding at all upon the subject knew that no law whatever could secure a certain price for wheat. But, out of the House, the landlords persuaded the farmers that they possessed this power. Why, then, did they at the same moment tell the farmers that it was from the bad legislation of that House that the prices of their produce were injuriously affected; and that it was from this that they were now suffering distress? The cause was perfectly

clear, as might be collected from the speeches recently delivered at a tavern in this town, and by the proceedings at No. 17, Bond Street, where, he believed, the Protection Society had opened a shop. He thought the sign over the door should bear this motto—"British Farmers regularly taken in and done for." It was really time that this landlord imposition upon the farmers should come to an end. What would they say if he told those who depended upon him in manufactures, that he was their friend, and that he would go to the House of Commons and vote for a law that should keep up the price of calico, and give them good wages, and that then he should find that they suffered the greatest privations from the vicissitudes in manufactures, occasioned by that very law? He declared he should not have the face to come before those men, and ask them to have any further confidence in his promises of anything that Parliament could do for the purpose of maintaining either prices or wages. The hon. Member for Dorsetshire had explained why the agricultural districts were at present suffering. It was a very reasonable explanation. The hon. Gentleman said, that the price of wheat was low, because the quantity of corn was large; at least, above the average; sufficient to bring prices down: while, on the other hand, the other and inferior crops were very short, and that the farmers were extremely inconvenienced by the high prices they had to pay for the food for their cattle. Now, he believed this, and that the high prices of the inferior crops were caused by the very protection forced upon the farmers. Was Indian corn no food for cattle; and yet was there not a law to keep it out of this country? Were Egyptian beans no food, and yet was there not a law to keep them out? Hon. Gentlemen opposite had actually complained that the price fixed by the right hon. Baronet on foreign oats was not sufficiently high as a protective duty, and yet the duty already imposed, forced their own tenantry to purchase foreign oats at a price that enhanced the cost of the very food by which their cattle was fed, and by the feeding of which cattle they sought manure to raise in future years their crops of hay. He did not pretend to understand much of agriculture, neither was it necessary that he should in the discussion of this question; but he had read a letter in a paper published in the county of Wilts, written by a gentleman of the name of

Mr. Nathaniel Hatherton, whom the editor stated to be a farmer of a very first-rate character and intelligence among that class. Mr. Hatherton said, that

“When oats were at 16s. a quarter two years ago, he fed out five quarters to an acre on twelve acres of the poorest land, and he had good reason to be satisfied; he had now by him 500 sheep, and he should lose more for the purchase of oats for feeding them, than the protection afforded by the Corn Law to his wheat crop was worth. He enjoyed protection on his wheat to the extent of 3s. or 4s. a sack, there being two sacks to a quarter; making it a protecting duty from 6s. to 8s. a quarter; but he must pay a protection penalty on oats to the extent of 8s. or 10s. a quarter. He considered that the reduction of price on food for cattle by a repeal of the Corn Laws, would be full compensation to him for any deficiency of price in wheat arising from such a repeal, and that he for one was most anxious for a change.”

Mr. Hatherton said, that he was induced to write this letter from a strong feeling that something must be done for the farmers and labourers, and from a conviction that what was called protection was utterly worthless. This he thought was a sufficient answer to the hon. Member for Dorsetshire. It was true that in the manufacturing districts in the north of England there was a comparative state of prosperity. An hon. Friend of his had stated to him that the cotton spinners were making 50 per cent. on their capital. But his answer to his hon. Friend was this: that the cotton-spinners did not come to Parliament and ask for a law to enable them to overcharge their customers, as he had done constantly for his sugar. But how came it that the manufacturers were enjoying a state of prosperity, though they had no protection, while the agricultural classes were thus plunged into a state of distress? The process was somewhat resembling the action of two buckets in a well, the manufacturers were getting up rather full, while the agriculturists were going down and rather empty. That had been the case ever since the war ceased, when the landlords attempted to make an alteration in the price of corn by legislation. He contended that he and his Friends, who represented the Anti-Corn-Law League, stood in that House, and in the eyes of the country, in a much more favourable position than the hon. Gentleman who represented the Agricultural Protection Association. When the manufacturers were suffering, they did not conceal

the fact; but the agriculturists denied the distress as long as it was possible, and they were startled when the hon. Member for Leeds moved, in a former Session, an Address to a Speech from the Throne, declaring that the agricultural distress had not been exaggerated, but that it was frightful in the extreme. The manufacturers never concealed their distress, but came to Parliament, as was their duty, and asked for a remedy. They moved for a Committee of the whole House, and for evidence to be heard at the Bar, or any sort of inquiry that could be had; but the Committee was denied to them. The landlords and agricultural Gentlemen voted against them constantly. But how had those same hon. Gentlemen behaved towards the population among whom they lived? He had lately been reading the Report of a Committee on the Game Laws in 1838. The hon. Member for Dorsetshire, or of Wiltshire (he did not remember which) gave evidence before that Committee. That hon. Gentleman now stated that the wages of the labourers were 7s. a week, but that they were at that period only 6s.; and that from that time to this, the labourers received about that rate. Now, the Anti Corn-Law League had more accurate information of the agricultural counties than the hon. Gentlemen opposite themselves possessed. The League had sent trustworthy men into every one of them; and he himself had had some opportunity of visiting several of those counties, and he could prove to demonstration that the farmers and agricultural labourers did not expend in manufactures, including all their clothing and bedding, more than 25s. a year each. Now he could prove that the labourers employed in his district spent at least three times as much on manufacturing produce; yet hon. Gentlemen opposite did not come to that House to tell this; and they dared not have a Committee to inquire into the cause of the difference. He had heard many and many a Conservative speak with the utmost exultation on the subject of free trade, and tell him that now the right hon. Baronet (Sir R. Peel) had begun, there was no knowing where he would end. They had assured him, that as the agricultural interest by degrees found their terrors dissipated, the right hon. Baronet would do more than he had yet attempted, since he could have no interest but the good of his country. He knew that the right hon. Baronet was not without ambition; he would not have risen to his present office

had he been without it, and he well knew the evils of that besotted system which had made the labourers in agricultural counties poor, dejected, and miserable. Last week he had been in Buckinghamshire, and what most struck him was the number of fields so full of ant-hills that no scythe could mow them; this was protected land, and in the very county of the man who was especially styled the labourers' friend, and who recently took upon himself to tell those lately assembled at Freemasons' Hall that there would be no alteration of the Corn Laws. What was the next object, harmonising so well with the ant-hill covered fields in the neighbourhood of Aylesbury? The multitudinous chimneys of the union workhouse. There resided the men who ought to cultivate the land, and who, week after week, were sent to jail for insubordination. He was young in the House, but he might be as old as some of those on the other side before he heard from them the state of things his own eyes had witnessed. One Conservative had actually declared to him that he would rather see free trade at once established, than see the farmers any longer humbugged by the landlords. It was in fact high time that this state of things was put an end to, and he had no other object in wishing to see the destruction of the present Corn Laws, than an anxiety for the general benefit of the whole community. Let the Legislature at once take its finger off the Statute Book, and repeal those laws, and our manufacturers, confident in their skill and energy, would fear no foreign competition. True it was, that if a total and immediate repeal had been granted in 1839 and 1840, serious panic and confusion would have been the consequence; but if such a boon were now granted, and the protective duty of 20s. were relinquished, no such result need be apprehended. Did not severe distress prevail in 1822? yet at that moment the prohibition was in existence; in 1835 and 1836, there was at least as much distress as now, and then that law might be said to be passing into oblivion, which many persons at this moment seemed to regret. A state of things was now approaching, when even landlords would be glad to have the present Corn Laws repealed; they would not then frown upon or growl at the Minister for making advances towards free trade; a population was growing up, for which employment must be found; at this moment they were competing with each other at wages

of 6s. and 7s. a week, and, to the disgrace of the landowners and the Legislature, they were in a state of great destitution. Yet, while fierce competition was devouring the agricultural labourers and the tenants, the magnanimous landlords passed a law to secure themselves against all competition from foreign countries, and to keep up the price of the produce of the soil. The population was rapidly increasing, capital was accumulating, and the landowners, without the least regard to the other classes, restricted the exertions of the labourers, and of the tenants, to the narrow limits of their own possessions. He was aware that they could do little to convince hon. Gentlemen opposite; the leaders of parties were not easily convinced; but he had the satisfaction of knowing that intelligence was daily gaining ground among the tenants and the labourers, and they were beginning to discover the truth; they too severely felt their condition, and there was springing up amongst them a disposition which he should grieve to behold were he a landed proprietor. A charge had been brought against the party to which he belonged of exasperating this feeling. The opponents of the Corn Law had certainly told the tenants that the landlords were deluding them by the demand for protection; he had no wish to spread discontent among them, and had never said anything to them which had not over and over again been stated in Parliament. He and his friends had always maintained that the landlord had a right to labour at the market-price of labour; but they had denied the right of the landlord to screen himself from competition while he exposed his labourers to it in its severest and bitterest form. This was the charge brought against the landed interest, and they must not "lay the flattering unction to their souls," that prosperous years would put an end to agitation on the subject of the Corn Laws. The cry for repeal had gone on swelling and increasing in spite of prosperity in Lancashire and Yorkshire. It was impossible to state the sum which the League could not raise at this moment if money were necessary. All the measures the landed gentry had supported since he first entered the House, had been gradually escaping from their grasp, and all those which they had resisted had been as gradually made established law. The principle of protection was one which the Minister could not and dared not defend in this House; the most distinguished man of the Conservative party—the man whom

the landed interest had placed and kept on the Treasury Bench—by the whole tenor of his conduct showed that he was abandoning his friends and going over to their enemies. What course, then, ought the landed interest now to pursue? Would it not be as well for them to make a virtue of necessity, and magnanimously at once abandon a cause which they must know to be hopeless? Let them relinquish a system which had produced the most tremendous evils; for if they continued to sow the wind, they could only expect to reap the whirlwind.

Mr. *Stafford O'Brien* was anxious to meet the question in the calm spirit which had marked the speech of the hon. Member for Stockport and that of the hon. Member his Seconder, and expressed his intention of not opposing the appointment of the Committee of which the hon. Member for Stockport had spoken. When the hon. Member for Durham had been a little longer in the House, before he reached the age of several Members on his own side, he hoped he would learn that to make a bullying speech was not the way to deal with the gentry of England. He would learn that, whatever might be the varying opinions as to free trade on one side and the other, or however anxious Government might be to steer a middle course between the two, yet that the best men on both sides would deeply deplore a system which would bring to questions of the nicest calculation and difficult political economy, angry feelings and excited passions. If the hon. Member imagined that he could set the tenantry of England against their landlords, by such vituperation and abuse, he could tell him distinctly that he never was more mistaken, and he would be miserably disappointed. It was strange that in the seventh year of his agitation, the hon. Member—though he had so completely failed out of doors—should not yet have discovered the propriety of a different course. As to the hon. Member's astonishment at the Conservative Members not having brought forward recently the subject of agricultural distress, perhaps the hon. Member would leave them to manage their own matters; and they, seeing how grossly he had mismanaged his own, would not be anxious to adopt his advice. To what had fallen from the right hon. Baronet on a former occasion, he had listened with great anxiety, hoping to have heard some expressions in reference to agricultural dis-

tress, and he did not disguise the disappointment he had felt at the right hon. Baronet's silence on that subject. But, of course, feeling a general confidence in the Administration, and not having acquired very extensive experience in that House, it was not for him to leap up and give utterance on every occasion to his feelings of disappointment at the course they might pursue. He desired therefore to have it understood that Members on the Ministerial side must not be considered as insensible to agricultural distress (which, he was happy to say, did not exist to a great extent in his own county), because they did not on every occasion express their disappointment at the silence of the Ministry upon the subject. The hon. Members opposite had formerly predicted that so long as protection continued, manufacturing distress would prevail; whereas it had turned out that this distress was removed, though the protection was retained to agriculture. Doubtless, no system of protection could in the complicated relations of this country preclude the recurrence of distress. Predictions and panaceas he would alike relinquish to the League. For himself, he had never disguised his conviction, that the different classes of the community were at too great a distance from each other, and that not merely agriculturists or manufacturers, but that the richer orders altogether were not fulfilling all their duty to the poor. He was certain that among the labouring population of the country there was much that tended to pauperism—much that tempted to crime. But he maintained that the landed proprietors of England had always proved themselves the friends of the poor, which the poor well knew; and the hon. Member who had been for nearly seven years trying to persuade them of the contrary, might just as well have been at Botany Bay all the time.

Mr. *Villiers* said, the Member for Northampton had risen apparently to reply to the hon. Member for Durham, but if what fell from him was correctly reported, the same impression could only be made out of the House which he was sure had been produced within it—namely, that he had offered no reply to what constituted the serious charges brought against the proprietors who maintained the Corn Law. One charge against the law, the hon. Member for Durham had urged with peculiar point, and which became the hon. Gentleman to answer if he had been able. It

was, that while the labourers were exposed, by their increasing numbers and want of employment, to a sad and fearful competition with each other, and that while the tenants were unprotected in an active and eager competition among themselves for land, the landlords, who were the legislators of this country, enacted a law to protect themselves against the competition with the produce of other lands, whereby they greatly enhanced the value of their own properties at the expense of the community. This was the purpose of what they termed protection, and from its obvious injustice, should receive some defence. The tenants were suffering, and the labourers were suffering: the one was compelled to give too much for his land, the other to receive too little for his labour; but the landlord procured high rent for his land, and paid little for his labour; for the numbers of tenants and labourers seeking occupation increased, while the land for the tenant, and food for the labourer, were limited; personality was no reply to this charge, or to such an adequate cause of agricultural poverty. And considering how frequently the depression of the agricultural interest had been traced to the failure of price promised by protection, it did become those who clamoured for more protection as a remedy for the evil, to meet the charge so brought against it. The hon. Gentleman had seemed satisfied with shewing what he considered was an inconsistency in the friends of free trade, by referring to what he called their false prophecies as to commercial prosperity. He said that the League had said that manufactures and trade would never be prosperous until the restrictions on trade were removed; and yet he said they admitted they were at present prosperous, whilst the restrictions had not been removed. The hon. Gentleman should have considered his Friend the Member for Dorsetshire when he stated that the restrictions had not been removed; for, as they both were farmers' friends, they had better agree on the reason they gave them for their present distress; for while the hon. Member had just said that the restrictions had not been materially changed, the hon. Member for Dorsetshire said that to that relaxation alone did he impute the present agricultural distress. In answer, however, to that, and to the observation upon what had fallen from him the other night, which the Member for Dorset had made, he begged to explain what the views of the friends of free trade

were, and what he did really say on that occasion. What was contended for, in arguing for free trade, was, cheapness and plenty; that cheapness which made the necessities and comforts of life accessible to the poor. This, it is contended, would be obtained if commerce were not impeded; and this, in whatever way attained, would be attended with happy results to the people. This, in one respect, has been effected this year by what he termed an intervention of Providence, in spite of legislative obstruction. They had had a glorious harvest; this had produced abundance, which, aided by some facility given to trade by the relaxation of the Tariff, had occasioned the present comparative prosperity. The restrictive system had, as the hon. Gentleman said, been generally maintained; but, through the mercy of Heaven, the usual results had been defeated, and the country had now an opportunity of seeing what was the effect of that plenty and cheapness of food of which the landowners usually spoke with such dread and alarm. That this abundance should be constant was the aim of free trade. This boon of Heaven now conferred especially by a good harvest, was constantly within their reach by commerce; that the blessings which were thus enjoyed should not be interrupted in future, was what the friends of free trade were contending for, but which hon. Gentlemen too well knew it was the object of what they called their protection to prevent. Their object was to raise prices; their complaint is that prices are low; their desire is to cause them to rise again. It was on these occasions they had formerly complained of distress, and in all their inquiries it was this they had in view. They knew by the means which the law put in operation to keep prices high, it had several times occurred that produce had been destroyed; and witnesses, whom they had called upon their inquiries to learn how they could be relieved, had prescribed the limitation of quantity, and had advised, as some said they had practised, that of sowing less grain in order to limit that quantity, which created plenty and cheapness in the market. The distress which hon. Gentlemen complained of was literally from no other cause but that prices had fallen, and fallen because the quantity essential for the people had been more nearly adequate than before. Their distress proceeds now, as it had proceeded before, from the delusion under which men crushed each other by competing for land, expecting to be re-

munerated by high prices for the high rents they engaged to pay, and being, as usual, disappointed. If this were otherwise—if this distress proceeded from other causes, from causes over which as it is repeated out of doors, they had control, how came it that the inquiry which the hon. Member for Stockport suggested was not acceded to? Why allow these things to be said here, without reply, or satisfying the farmers and labourers that they were untrue? Other causes were doubtlessly alleged in other places, but that was an additional reason why the facts should be inquired into by the House, and the truth proved. He had heard it said, and the notion he knew was common among farmers, that the distress was owing to the corn that had been allowed to come in from one of the colonies. [An hon. Member: Who said so?] Why, some of the special friends of agriculture who met at the Freemasons' Tavern the other night. Yes, so tenacious are the proprietors of this country of their system of excluding competition with themselves, that they will not even allow the produce of a British colony to compete with their own produce. Colonies which they have been willing that this country should make any sacrifice to conquer, and pay millions to subdue when they have manifested discontent, yet, when they claim the right of every British subject, in sending their produce to the British markets, the landlords are so afraid of the effect on the price of their own produce, that they would exclude the produce of those countries. He must again say it was a serious charge against this law that it not only did mischief to the community at large, but was peculiarly prejudicial to the interests that it was professed to protect; and that when this charge was made, with an offer to prove it if inquiry was granted, he thought it would go forth to the world that the protectionists had but little faith in the justice or wisdom of their system, when they objected in this House to face the light.

Sir R. Peel said: I will not suffer myself to be drawn by the example of the hon. Gentleman into any discussion on the subject of the Corn Laws; for we had no reason to expect that such a discussion would be entered into on the present occasion. There was nothing irregular in the course pursued by the hon. Member for Stockport. Nothing could be more moderate than the tone in which he made his proposal, nor did it appear to be his intention to provoke

any discussion on the subject of the Corn Laws. I understood him to declare his intention to repeat in a certain contingency a Motion which he had made last Session; and, in order to show that he was acting in no hostile spirit, he invited some friends of mine on this side to co-operate with him in support of his Motion, stating that, with their co-operation, the opinion of the Government on the subject would be of little consequence because by means of the *entente cordiale*, the combined parties might force acquiescence. The hon. Gentleman, with perfect fairness, stated that he did not ask an immediate adhesion. I think he said he would give my hon. Friends a fortnight to consider the subject. I must say I think my hon. Friends the Members for Northamptonshire and Somersetshire would have done much better to have availed themselves of the fortnight's consideration to talk the matter over, rather than to have committed themselves so hastily as they have done this evening, in their individual capacity, in support of the hon. Member for Stockport's Motion. However, they have committed themselves; but I earnestly advise other hon. Friends of mine not to be so exceedingly liberal, but to avail themselves of the hon. Member for Stockport's very fair proposal, to take at least a fortnight for the purpose of giving the proposal a fair consideration, and then, after a lapse of that period—after having conferred with each other to make up their minds—not individually, but collectively, to support or oppose the Motion of the hon. Member. I must say that the hon. Gentleman who opened the debate was met in a corresponding spirit and temper by the hon. Gentleman behind him. There was a kind of taunt thrown out, and it was with great regret that I heard the hon. Gentleman the Member for Durham, without the slightest provocation, enter into reproaches and vituperation which were entirely uncalled for, and little calculated to promote the object he has in view. The hon. Gentleman also told my hon. Friend that he was not surprised at his unwillingness to consent to the Committee, as it was impossible that he could derive any benefit from its appointment. The hon. Gentleman the Member for Manchester asked me a question, which I think he was hardly entitled to ask, particularly as he has stated—and that without any communication with me, or without any suggestion from me—as he has undertaken to correct the report that I intended to make an altera-

tion in the Corn Laws, and I do not, therefore, see that he requires any enlightenment upon the subject. It is, I hope, only necessary to assure the hon. Gentleman and the House (as the refusal to answer even improper questions sometimes leads to erroneous conclusions) that I have had no communication with the Agricultural Protection Society, nor have I given any assurance to any body in the slightest degree at variance with the declaration of my opinion last year. My hon. Friend has stated that he very much regretted I did not, in the course of my observations a few nights since, refer to the distressed state of agriculture. I can only assure my hon. Friend that I do believe that in some parts of the country there is considerable distress, and I trust it is hardly necessary for me to say that I feel sincere sympathy for that suffering; but I do not believe that you can state generally as a truth that agriculture is universally in a state of distress and suffering. I believe, however, that there are some parts of the country in which distress exists, and that if you look at England, Scotland, and Ireland, you will find different districts of the country in very different conditions. I do not deny that agricultural distress does exist in different parts of the country, arising from physical causes, and the failure of the hay crop, and of the turnip crop, and the drought of last year. I say it is impossible to deny that in some districts there is great distress arising from these natural causes, and this I sincerely deplore; but I distinctly state that I do not think the agricultural distress can in any degree be fairly attributed to the operation of those laws introduced by me in the course of the last few years. I do not think that the change in our law has been the cause of the agricultural distress, and I feel bound to say that I cannot look to Parliament for any further legislative interference. I think the restoration of the former amount of protection impossible, and even were it possible, I should not sanction the re-establishment of increased protection as a relief to the distress at present existing, which I attribute to natural causes, and which I deplore.

Lord J. Manners said: I am not a Member of the League or of the Anti-League, nor am I a Member of the Administration who have held the scales so evenly between the contending parties during this discussion; but I cannot resist the opportunity of endeavouring to answer one of the arguments used by the

hon. Member for Durham, and repeated with considerable emphasis by the hon. Member for Wolverhampton. I do not think it right that this debate should close without some answer being made to that argument; and I apologize to hon. Members who represent more immediately the agricultural interest for venturing to speak of it myself. The hon. Gentleman said the landowners of England were to blame more especially in this—that while they protected themselves against competition, they subjected their tenants and peasants to an almost unlimited, fierce, and cruel competition. I could say, in answer to that assertion, that if it be true that the competition to which the peasants of England are subjected is so fierce and cruel, what would it be, supposing the argument of hon. Members respecting the agricultural interest to be correct, if, in addition to such competition, you added that which would arise from the introduction of foreign corn? Surely the hon. Gentleman must have seen that his argument was open to that objection; it has been used repeatedly at every agricultural protection dinner that has taken place; why the argument most insisted on upon those occasions was, that the introduction of foreign corn would render liable to great and severe competition the peasants and labourers of England. I do not wish upon this occasion to state my opinions on this subject of the Corn Laws; but I could not sit still and hear that argument asserted in two different speeches without endeavouring to show its fallacy. I wish also to call the attention of the House to another statement of the hon. Member for Durham, which seemed to me most extraordinary. He said that the agricultural members of England saw the prosperity and fortunes of the farmers being frittered away by the policy of the Government. Now, I would ask, if such be his opinion, the policy of the Government being, as he would say, more or less a free-trade policy, how can he expect those to whom the interests of the tenants are committed to sanction any further steps in that direction, and to go on to an unlimited free trade? I shall certainly take the warning given by the right hon. Baronet, and not be presumptuous enough to pledge myself to the course I may pursue hereafter; but I cannot sit down without expressing my cordial concurrence in what has been so well and truly stated by my hon. Friend the Member for Northamptonshire, that we

are all too much disposed in this House to look upon ourselves as agricultural or manufacturing Members, and too little disposed to take into consideration the more important question of rich and poor in this country; and still further do I express my concurrence in his approbation of the tone and temper of the hon. Gentlemen who brought forward and seconded the proposition on the other side, as affording fair ground for hope that the day is not far distant when we shall be able to meet cordially, and heartily co-operate in measures likely to ameliorate the condition of the labouring classes of this country.

Mr. Brotherton said, that if the noble Lord had taken the advice of the right hon. Baronet, and not spoken at all, it would have been wiser than to have risen to answer the arguments of hon. Members on that (the Opposition) side of the House. The noble Lord admitted that the agriculturists and farmers were exposed to great competition, and he also, he believed, admitted that the Corn Law was made for the benefit of the landowners, and not of the tenants; but the noble Lord forgot the population of this country, and that it must be fed, and that to be fed it must be employed; but it was admitted that the agriculturists could not employ the people. If they referred to the census they would find that about one-eighth, not more, of the population belonged to the agricultural interest. Now, the population was increasing to a considerable extent, and it must be employed and fed. They could not be employed in agriculture, and they must, therefore, be employed in manufactures; but that could not be done unless our commerce was extended; and, therefore, it was only by removing the restrictions on commerce that employment could be found for the people, and that they could be fed. He conceived that all classes would be benefited by free trade, and that agriculture manufactures, and commerce would all be well and prosperous if they only acted upon that principle. He contended that the Corn Laws were for the protection of the landlords, to increase the price of provisions, and to raise rents; and had always stated his opinion that they were most unjust and most injurious to the country. He, therefore, implored hon. Members to consider those laws, and if they were found to be unjust and injurious to repeal them.

The Order of the Day was read and agreed to.

The House adjourned at a quarter to nine o'clock.

HOUSE OF COMMONS,

Friday, February 7, 1845.

MINUTES.] NEW WRIT.—For County of Cornwall (Eastern Division), *v.* Lord Eliot, now Earl of St. Germans.—For County of Buckingham, *v.* Charles Robert Scott Murray, Esq., Manor of Hempholme.

ELECTION PETITION.—Dartmouth Borough Election,—Petition of George Moffatt (presented 5th February) read.

PETITIONS PRESENTED. By Mr. Villiers, from Dudley, and Wolverhampton, against the Medical Practice Bill (1844).—By Mr. Christopher, from Wainfleet, and Grantham, for Repeal of Duty on Attorneys' Certificates.—By Mr. Hume, from Tobacco Manufacturers of London, in favour of the Reduction of Duty on Tobacco.

PRIVATE BUSINESS.] Sir Robert Peel observed, that an hon. Member opposite (Mr. Wallace) had a Motion on the Paper for to-night, upon a subject of some importance, namely, for a Select Committee to inquire into the mode of conducting Private Bill Business in the House. Now, considering the immense mass of Private Business, particularly railway business, likely to come this Session before the House, he certainly thought that the appointment of such a Committee—formed of Members most versed in the Private Business of the House, to consider the existing arrangements, and if possible to facilitate the dispatch of that business, would be very expedient. Such an inquiry would be important both as to the cases of unopposed Bills, and also as to important points connected with competing Bills. Even although no formal report might be made, such a Committee would be enabled, taking those points of most pressing importance, to offer very useful suggestions to the House as to that class of Private Business likely to occupy so large a share of its attention. If, therefore, the hon. Gentleman would postpone his Motion for the present, he would take an opportunity of consulting some of those hon. Gentlemen who took the most interest in Private Business, in the course of next week, and he hoped he would then be enabled efficiently to co-operate in the appointment of such a Committee as the one in question.

Mr. Wallace was much obliged to the right hon. Baronet for his suggestion. The right hon. Gentleman's views of the matter quite coincided with his own, and he would postpone his Motion with much pleasure.

POOR LAW UNIONS (IRELAND).] Mr. F. French rose to put the question to the right hon. Baronet the Home Secretary of which he gave notice yesterday. He was anxious to know whether a statement

which had appeared in the *Freeman's Journal*, respecting executions which had been put on the goods and furniture in some union workhouses in Ireland, was correct. If it were correct, it added not a little to the experience they already had as to the working of the Poor Law system in that country. One statement to which he referred said :—

“We understand that no less than four executions have been laid upon the furniture in the Ballinrobe poor-house ; one at the suit of Boileau, Son, and George, druggists ; the other three at the suit of contractors for provisions and fuel. An execution had also been laid upon the furniture of the Castlebar Union Workhouse at the suit of the foregoing gentlemen.”

The other statement on which he sought information was this :—

“The goods and chattels of the Tuam workhouse were sold under an execution on Monday last, at the suit of Mr. Thomas Brennan, of Tuam. There was a considerable sacrifice of property—blankets, which were supplied at 9s. and 10s. per pair, were sold at from 4s. 6d. to 5s. 6d. per pair ; ticken beds, which cost 5s. 7d. per pair, sold at 2s. 4d. each ; and sheets, at 1s. 10d. and 2s. per pair. It is worthy of remark, that the contractors who supplied those articles are yet unpaid, and are three years out of their money.”

Sir *James Graham* said, that the hon. Gentleman had given notice of his intention to put a question to him, merely with respect to the Tuam Union. His inquiries had been consequently only directed to that Union. Of the affairs of the others referred to by the hon. Gentleman he was not cognizant. With respect, however, to Tuam, he could state that it was true that an execution had been put in on the goods in the house. The building occupied as the Union belonged to a private person. The rent was in arrear, and an execution for rent was put in by the landlord. He had also to state what were the circumstances of the Union in question. The Board of Guardians had absolutely declined to carry the act into execution—refusing even to appoint collectors of rates. No rates having been thus collected over the parishes comprised in the Union, the Poor Law authorities, in November last, moved for a *mandamus* in the Court of Queen's Bench, calling on the Board of Guardians to appoint collectors. The rule had since been made absolute ; it had been served collectively and individually on the members of the Board of Guardians, and they must forthwith proceed to ap-

point collectors ; and, as soon as that took place, the effect of these executions would be nullified, the sums paid under them would be borne by the rates, and the law would be carried into effect.

POST OFFICE COMMITTEE REPORT.]

Mr. *Duncombe*, seeing the noble Lord the Member for Liverpool in his place, begged to put a question to him with respect to the appendix of a Report of a Committee of which he was chairman last Session—he referred to the Secret Committee on the Post Office. That Committee made its Report, and also laid on the Table of the House an appendix, which was ordered to be printed with the Report. Well, the Report was printed, but, as yet, they had no appendix. He had sent to the printer's for the appendix, and also to get another copy of the Report. The reply was, that the Report could not be got, because it was waiting for the appendix—that the appendix was waiting for a proof, and the proof was waiting for some Member of the Secret Committee. Now, that Committee's functions ceased when their Report was made to the House, and had nothing afterwards to do with the appendix or Report. He wished to ask now, therefore, why they had not got the appendix ? Mr. *Hansard* said that it was with the Committee. He (Mr. *Duncombe*) was in possession of a copy of it by the special order of the Speaker, the only way, it appeared, of getting it. The appendix was in type, but not printed for general circulation. He wished to know if it was the Committee, or any Member of the Committee, who withheld it ?

Viscount *Sandon* had to state, in answer to the question of the hon. Gentleman, that the Report was made last year, just at the close of the Session, when hon. Members were fast leaving London for the country. The arrangement of the chronological part of the Report, contained in the appendix, was left in the hands of the hon. Member for Kendal, who had taken great pains with the subject all through the labours of the Committee. So far as he (Lord *Sandon*) could learn, the appendix still remained in the hands of that hon. Member. He himself knew nothing further about the matter. He had no doubt, however, but that on this public notice being taken of it, the document in question would soon be laid before the House. Perhaps he had been to blame in quitting London without having seen it in the

hands of the printer; but he had thought that it would be quite safe in the charge of the hon. Member for Kendal.

Mr. *Duncombe* intended to bring the subject of the Post Office before the House, and he did, therefore, hope that no further time would be lost in having the appendix put into the hands of hon. Members.

FINANCIAL STATEMENT.—THE INCOME TAX.] Sir *Robert Peel*: Sir, it may be convenient for the House, if I now state what course Her Majesty's Government intend to take in bringing forward the statement of their financial plans. I believe that it would be competent for me—without moving for a Committee of Ways and Means—to adopt the course of moving a Resolution for the continuance of the law imposing a tax upon income. But as that would not be a course which it has been usual of late years to adopt, I propose on Wednesday next to proceed in this way. I shall move on that day for a Committee of Ways and Means, asking in it for the continuance of some tax, and then upon Friday next, in that Committee of Ways and Means, I shall propose a Resolution to the effect, that the laws imposing an Income Tax in Great Britain, and an additional Stamp Duty in Ireland, be continued for a further limited period. Such is the nature of the Resolution which I shall propose to move.

WEIGHTS AND MEASURES (SCOTLAND).] Mr. *Wallace* wished to put a question to the right hon. Baronet the Secretary for the Home Department. The right hon. Gentleman was aware that an important decision had been come to in one of the Courts of Scotland with regard to the Weights and Measures Act. The decision affected the general understanding of the administration of the law on that Act in Scotland, and it had caused in particular districts a very great degree of anxiety, not to say disturbance. He begged, therefore, to inquire, whether it was the intention of the right hon. Baronet to take any steps in the matter.

Sir *J. Graham*, in answer to the question of the hon. Gentleman, had to state that he was perfectly aware of the decision which had been come to on the subject of the Weights and Measures Act of Scotland, and he was aware that this decision affected a large portion of the community in Scotland. The decision to which the hon. Gentleman referred was the decision of a

Judge on circuit—a very elaborate and learned decision, and one entitled to great weight—but still only the decision of a single Judge. The same question which had been brought before this inferior tribunal would shortly be brought before all the Judges in the Court of Justiciary, and before the decision of that tribunal had been given he thought it would be premature to discuss the propriety of any alterations.

SUPPLY.] The House then resolved itself into a Committee of Supply, Mr. *Greene* in the Chair.

On the Motion that Supply be granted to Her Majesty,

Mr. *Hume* said, that he had no objections to the Supply being granted—that is, he would not divide the Committee upon the subject; but he thought that they ought first to have heard the Government Financial Statement. He was by no means prepared to assent to any increase in the Navy Estimates. On the contrary, he thought that the establishment ought to be decreased. He wished, in allowing the Supply to be granted, to guard himself against being understood to agree in the suggestion for the increase in these Estimates. To the general Motion for Supply being granted, he had no objection; but he was opposed to the addition to the Estimates which was intended to be made. He repeated that the financial statement should be made before public money was voted. The state of the country was such that their efforts ought to be directed to the reduction in every possible way of taxation. If he looked at the Papers laid on the Table to-day, it would appear that 59,000,000*l.* would have been received by the Treasury in the course of the year, an amount much larger than in former years, or than it was some ten years ago, when Europe was in an unsettled state, and the condition of America required a large establishment. But now, when every thing tended to security and peace, an increase in their establishment was asked for. He would not ask the Committee to support his opinion by pressing for a division; but he begged leave to enter his protest, for the reasons assigned, against the increase, and he should certainly like to hear from the right hon. Baronet his exposition of the plans he had in view.

Sir *R. Peel* said, that with respect to the protest of the hon. Member, no great

harm could ensue from his adopting such a course, inasmuch as he felt quite sure the hon. Member did not mean to intimate his desire that no supply at all should be granted to Her Majesty. He did hope that the hon. Member would not condemn the Naval Estimates until he had examined them, and ascertained the purposes which they were destined to be applied to. Had the hon. Member known what those purposes were, he would hardly have ascribed them to the sole object of increasing the naval steam force. It might be, he would just observe, that some additional expenditure would be found necessary for the construction of new docks for steam-vessels, and the increased trade with China might render some addition to the naval establishment necessary, for the purpose of affording adequate protection to the British ships employed in that commerce. He hoped, therefore, the hon. Member would postpone, or at least suspend, his judgment until the Estimates were brought regularly before the House; by so doing neither he nor any other hon. Member would stand committed to approve of them. He trusted that the Motion before the Committee, as a mere preliminary form, would be assuaged in. He must observe, however, with respect to what had fallen from the hon. Member on the subject of the congratulations offered in Her Majesty's Speech, that the ground on which those congratulations were offered, was not that of increased taxation having produced an improved state of the revenue, but because the existing taxation had been productive of so prosperous a state of the finances as to leave a large amount of surplus; and he must confess he thought that all who viewed the matter correctly, would join cordially in the expressions of satisfaction uttered by Her Majesty in consequence of this surplus.

Mr. *Hume* knew, by his experience of Chancellors of the Exchequer, and First Lords of the Treasury, that the existence of a surplus in the revenue was always a strong incentive to them to be lavish in the expenditure of the public money, and therefore he was of opinion that a surplus was a bad thing, and that the best way to control expenditure was by keeping the Chancellor short of money. He, therefore could not join in the congratulations of the Speech. The reason however, which had prompted him to rise on the present

occasion was in order to express his dissent from the proposal to increase the steam vessels of the Navy.

Lord *J. Russell* said, the House would no doubt be very soon in possession of the specific grounds upon which the increase in the Navy Estimates was based, and he should await the knowledge of those reasons in the full belief that they would be found valid and satisfactory. The hon. Member for Montrose had made an observation respecting the course which the right hon. Baronet proposed to pursue with regard to his financial projects. The right hon. Baronet had intimated his intention to bring forward his financial scheme at a very early period, and to state what taxes he should be prepared to reduce. He thought nothing better suited to public convenience, could have been devised or acted upon. But, at the same time, he did not understand the right hon. Baronet to intimate that he had adopted the alteration with the intention that it should be persevered in upon all future occasions. On the contrary, as he understood, it was an exception expressly adapted to the exigencies of the moment. The hon. Member for Montrose had stated that, in his opinion, the course proper to be followed with respect to finance was to settle first what the amount of the Revenue was calculated to be, and then to apportion the expenditure to that sum. The view which he and others of his own Political Colleagues took of the matter was directly contrary to that laid down by the hon. Member, for they had always maintained the necessity and expediency of settling the amount which would be required for defraying the expenses of Government, and for providing for the national defences first, and then provide, in a Committee of Ways and Means, for the mode of raising that sum. He therefore rose for the purpose of saying that, although the right hon. Baronet had adopted the course of stating what his financial views were at so early a period in the present Session, he by no means understood him to intimate that such a course would be continued in future years.

Sir *R. Peel* said, he had resolved upon taking the course which he had given notice of his intention to take, in consequence solely of the special circumstances which marked the present Session, because the moment it became known or suspected that Her Majesty's Ministers

were resolved upon submitting the necessity of continuing the Income Tax for another limited period to the consideration of Parliament, there had arisen many speculations in the city as to what reductions in the existing taxes were to be proposed by Government, and these uncertainties were productive of extreme inconvenience as well as of positive injury to trade and commerce, by throwing a damp upon all transactions until the intentions of Ministers were made public. It was solely on this account that he had determined on taking the course of making an early statement; and he must explicitly state that it would not be followed on any future occasion.

Mr. *Hume* was sorry to hear the objections urged by the noble Lord the Member for the City of London to the continuance of the plan adopted by the Government, because he was sure such a sentiment was in direct opposition to the practice of the noble Lord with respect to his own private expenditure. Every man possessed of discretion would endeavour to ascertain as nearly as he could the amount of his income before he regulated his expenses, and he saw no reason why so wholesome and prudent a rule should not be adopted and persevered in when dealing with the public money. He was, however, glad to have the example set for one year only, and he trusted it would be found to be productive of so much benefit as to induce the right hon. Baronet to persevere in its adoption on future occasions.

Mr. *S. Crawford* was extremely glad the right hon. Baronet had at length seen the propriety of adopting the course he had suggested two years ago by an amendment which he then proposed. On that occasion he had moved for the suspension of the Estimates until the amount and the sources of the Income of the year had been ascertained. The hon. Member for Montrose had seconded his Motion on that occasion, but it was rejected. He was glad, however, that the right hon. Baronet had at length taken his advice, and he was only sorry to hear that the course adopted was only for the present year.

Vote agreed to.

House resumed. Resolution reported. Committee to sit again.

GILBERT UNIONS—POOR LAW.] Mr. *M. Sutton* moved,

“That a Select Committee be appointed to

inquire into the administration and operation of the Law for the Relief of the Poor in Unions formed under the Act 22 George III., c. 83 (Gilbert's Act), and to report to the House their opinion whether it is expedient that the said Unions should be maintained.”

Mr. *S. Crawford* said, that he did not then rise to oppose the re-appointment of the Committee, but simply to express his profound conviction that the perseverance in such an inquiry was a mere useless waste of time of the gentlemen who were engaged in it. If the Government were determined that the Gilbert Unions were to be done away with, they had better not institute any inquiry, for the time of the Members, and the Report, would be altogether thrown away. He had witnessed some proceedings with respect to this matter in Rochdale, the Borough with which he was connected, which had convinced him of the truth of what he asserted. In that place the Poor Law Commissioners lately had determined that the Guardians of that Union should no longer relieve their own poor. The Guardians were unanimous in their determination against this interference. They resolved not to act under the control of the Poor Law Commissioners. The people of the Union, and all connected with it, were all unanimous in the same view, and the Guardians and Magistrates refused to assemble under any such orders as had been issued. Was it, therefore, right that the Poor Law Commissioners should be permitted, or even encouraged, to force themselves in this manner upon the Union? The Guardians had been threatened with a *mandamus*, but, if he was rightly informed, no such mode of proceeding against them could legally be taken. At the same time, when he witnessed such a pertinacity on the part of the Poor Law Commissioners to thrust the New Poor Law into operation in the borough with which he was connected, he could not but consider that the Government was determined that no other law should be in force there, and, consequently, he looked upon the appointment of the Committee of Inquiry moved for by the hon. Gentleman as an entirely useless and unnecessary proceeding, and one which would not repay the trouble. There was a great difference between the working of the Poor Laws under the Gilbert Unions, and under the law as administered by the Somerset House Commissioners; and the advantages in his opinion were all

on the side of the Gilbert Unions, both with respect to economy, the feelings and comforts of the poor, and the inhabitant ratepayers. He could not therefore omit to avail himself of the present opportunity of impressing these views on the minds of Ministers, more especially on the right hon. Gentleman the Secretary for the Home Department, who had expressed his sentiments the other evening in relation to what had fallen from the hon. Member for Finsbury. But what must be the nature of a law which could sanction such sufferings as were described by that hon. Member? If the Government were determined, however, to carry that law into universal operation throughout England, all inquiry, he repeated, was totally unnecessary. It was a question beyond all others of importance. The public mind was in a most unsettled condition, and, for his part, he believed it to be impossible that the people could continue to preserve their loyalty, and maintain their respect for the laws, if the New Poor Law were to be persevered in and carried out to its present extent. He, therefore, again put it to the Government whether this useless inquiry was to be persevered in? If it were for the purpose of discovering abuses in the administration of the Gilbert Union Acts, then he would by all means urge an inquiry. But he did not believe the Committee was appointed with this view. He admitted the liability of all laws to be abused. The Gilbert Union Acts were not free from this liability; and if such abuses existed in them, it was only right they should be inquired into and brought into comparison with those which were found to exist under the New Poor Law. Let both the systems be placed fairly and fully before the nation, and then let it be seen which of them was the best adapted to the purposes for which they were designed. He had had the honour of being received, together with a deputation from Rochdale on this subject, by the right hon. Baronet the Home Secretary, and it was then stated to the right hon. Gentleman, that out of a body of 12,000 ratepayers who contributed to support the Gilbert Unions there, all except nine of them were decidedly opposed to the introduction of the New Poor Law. He was ready to admit the perfect courtesy with which the right hon. Baronet, as was his unvarying custom, received the deputation,

and replied to their representations that he had no power to interfere with the law. The right hon. Baronet did not say that he had not the power of controlling the Poor Law Commissioners; but if he had not that power, he would be the very first to grant it to the right hon. Gentleman. He made these observations in the full belief that all inquiry into the working of the Gilbert Unions was entirely useless, and that the appointment of the Committee was uncalled for.

POOR LAW COMMISSIONERS.] Colonel *Sibthorp*, in reviving a Motion, which he had brought forward and obtained the sanction of the House to in the course of the last Session, stated that for some reasons of which he was ignorant, the Order which was then made on the subject had been evaded, or at least it had not been complied with. The right hon. Baronet (Sir J. Graham) had, however, given him to understand that there was a difficulty in making out a return of the number of days during which the Poor Law Commissioners attended in the performance of their duties, because no regular roster was, he believed, kept in the public offices of the attendance of the functionaries; that being the fact, to his knowledge, with respect to the Home Secretary's office. He was quite ready to admit the ability, the perseverance, and the zeal of the right hon. Baronet in the performance of his duties, and the universal satisfaction which his assiduity and his untiring attention to his arduous occupations had given to all parties. He said this without any wish to flatter the right hon. Gentleman, and for that reason he did not require that a roster should be kept of the right hon. Baronet's attendance at his office, seeing so many proofs could be adduced of his attention to his duties; but the case was different with respect to the Poor Law Commissioners, and he should certainly like to know when and where they went; he did not mean to say they went into any improper places, but he should like to know what their attendance at their office was, and whether they attended regularly to their duties. He desired to know where they were, and what they were about. What he was anxious to obtain was a full return on these subjects; and, with respect to what had been stated to him by the right hon. Ba-

ronet, he must confess that he felt great surprise on being told that he now objected to what he had formerly agreed to without a word. He, therefore, begged to move, in the same terms which the House had sanctioned on the 12th of July, 1844, that there be laid before the House

“A Return of the number of days each Poor Law Commissioner has sat in discharge of his official duty at the office appointed for such official sittings, or at any other place for the same purpose.”

Also a

“Similar Return of the number of days each Assistant Poor Law Commissioner has been engaged in the discharge of his official duty, the place and periods at which those have been performed respectively, whether at the office of the Central Board of Commissioners, or in visits and inspections, or other matters of official duty at the different Unions or Union Workhouses throughout England and Wales, the number of days employed therein, and the amount of expense incurred by each Assistant Poor Law Commissioner in travelling or in other incidental expenses relating thereto.”

Sir J. Graham begged permission to address a few words to the House with reference to what had fallen from the hon. and gallant Member for Lincoln. Towards the close of the last Session the hon. and gallant Member had felt it his duty to move for the Return now under the consideration of the House, to which Motion he had not offered any opposition. In the course of the present evening, he had stated to the hon. and gallant Member what he had recently repeated to the House, as to the difficulty of making any Return to the first part of his Motion—namely, that with reference to the attendance of the principal Poor Law Commissioners at their office, no roster was kept, any more than the attendances of the Commissioners of Excise, Stamps, or Customs were thus registered, and consequently, in the absence of such registry, it was impossible to make any Return to meet the demands of the hon. and gallant Member. At the same time, he (Sir J. Graham) felt bound to state, of his own personal knowledge, that no public servants were more assiduous in their attendance to their duties than were the Poor Law Commissioners; and for the satisfaction of the hon. and gallant Member, as well as for that of the House at large, he would, as far as possible, give all the information on this subject that was pos-

sible, convinced that the diligence of the gentlemen in question would be apparent. He had, therefore, resolved not to resist the Motion, lest such a proceeding should throw a shade of doubt over the subject, as far as the performance of their duties by the Poor Law Commissioners was concerned; and, for this reason, he acquiesced in the Motion.—Motion agreed to.

RAILWAYS—STANDING ORDERS.] Mr. Young moved the Order of the Day for resuming the Adjourned Debate on the Standing Orders.

On the Motion that Standing Order 102 be suspended,

Mr. Entwistle said, that the first result of suspending this Standing Order would be to relieve the parties interested in railways from the necessity of presenting their petition with the Bill attached to it until twenty-one days after the Board of Trade had reported on such railway project. That alteration had been approved of by the noble Lord the Member for Sunderland, under the belief that a great expense would thereby be saved to the parties; whereas, upon inquiry, he (Mr. Entwistle) found that the cost of printing a Bill and preparing a petition would not exceed 30*l.* or thereabouts. With regard to the printing the Bill alone, he had said that the expense would not exceed 30*l.* or 40*l.*, and if any greater expense were incurred, his answer was, that it was not fair to particular companies that one company, against which the Board of Trade should have reported, should be allowed to delay drawing up their Bill till the reasons of the Board of Trade should be known, whereas the other company, in favour of which the Board of Trade had reported, wishing to press forward their measure, would have already drawn up their Bill, which could not be altered; *a priori*, the line against which the Board of Trade had reported had the worst case would, by the delay, be enabled to draw up their Bill with reference to the reasons given by the Board of Trade against it. Upon that ground, he objected to any postponement which would enable the parties to draw the Bill after the reasons against it should be submitted to the House. He believed that in most cases the companies who meant to proceed, notwithstanding the adverse decision of the Board, had prepared their Bills, and the whole extra expense would be the printing. Although

there was little expense in this House before a petition, there was much in working the line out of the House; the expense began when the company put their case into the hands of the Parliamentary agents, of the solicitors, and of the engineers; the consequence was, that by every day's delay, the company incurred a large amount of extra expense, and this extra expense would be imposed on companies anxious to proceed. He by no means, however, wished to compel the parties to incur the further expense of passing the Standing Orders, which would cause the necessity of bringing up witnesses.

Lord *G. Somerset* said, it was understood, if the reasons of the Board of Trade should induce the companies reported against to think it foolish to proceed, they would not force their Bills; but if those reasons should not be satisfactory, he hoped the House would give them leave to proceed with their Bills, notwithstanding the decision of the Board of Trade. The question of what should be done to prevent injury to parties anxious to go on at once would arise when he should submit his Motion, a few days hence, for a Committee to consider to what tribunal all the competing lines should be referred; when that Motion was carried, it would be for the Committee to say how far parties should avail themselves of the present alteration in the Standing Orders. With regard to the question of expense, no injustice ought to be done; but those lines had a great advantage on which the Board of Trade had expressed a favourable opinion; and whilst they must take care that the decisions of the Board of Trade should not absolutely stop the progress of any measure, they must also take care that parties did not prevent or retard the progress of others.

Mr. *Hodgson Hinde* thought it had been clearly made out by the noble Member for Sunderland, that it was necessary to take some step in order to prevent injustice from being done to those companies against whom the Board of Trade had reported. Great injustice would likewise be done if parties in whose favour the Board of Trade had reported, were obliged to delay going into Committee till the adverse Bill was in a state of such forwardness as to be committed also. He therefore hoped that the parties who were promoting an adverse Bill would be obliged to bring their case before the

Committee, though they were not in a state of forwardness to have their Bill regularly committed. The promoters of the adverse line might delay for five or six weeks before they stated their determination as to proceeding, and the loss of such a period would be equivalent to the postponement of the road for a season. Thus, successful lines would be induced to pay enormous sums to get rid of competition. And thus the extension of time in favour of unsuccessful lines would be made an instrument of extortion. It was notorious that 25,000*l.* was spent to expedite, by six months, the completion of works. Now six months at the commencement of the season was equal to six months work in the general run of railroads.

Mr. *Entwistle* then withdrew his Amendment, the Motion was agreed to; the Standing Order was suspended, and the following Resolutions were agreed to:—

"1. Resolved—That this House will not receive any Petition for any Private Bill, other than a Railway Bill, after Friday the twenty-eighth day of this instant February.

"2. Resolved—That no Private Bill, other than a Railway Bill be read the first time after Friday the fourth day of April next.

"3. Resolved—That this House will not receive the Report of any Private Bill, other than a Railway Bill, after Friday the thirtieth day of May next.

"4. Resolved—That this House will not receive any Petition for any Railway Bill, later than the twenty-first day after the day on which the Report from the Railway Department of the Board of Trade, with reference to such Railway, has been laid on the Table of the House.

"5. Resolved—That no Railway Bill shall be read the first time later than the twenty-eighth day after the day on which the Report from the Railway Department of the Board of Trade, with reference to such Railway, has been laid on the Table of the House.

"6. Resolved—That this House will not receive the Report of any Railway Bill later than the eighty-fourth day after the day on which the Report from the Railway Department of the Board of Trade, with reference to such Railway, has been laid on the Table of the House."

And on the Motion of Mr. *Greene* it was—

"Ordered—That on every Petition presented to this House, relating to any Private Bill before the House, the name or short Title

by which such Bill is entered in the Votes be written at the beginning thereof."

House adjourned at six o'clock.

HOUSE OF LORDS,

Monday, February, 10, 1845.

MINUTES.] Took the Oaths.—Bishop of Meath.

Sat. first.—Earl St. Germans, after the death of his Father.

PETITIONS PRESENTED. By the Earl of Powis, from Inhabitants of Machynlleth and Llanrhaiadr yn, and Moch-nant, for the establishment of Local Courts.—From Lay Association of Bath, against the Union of St. Asaph and Bangor.—From Physicians and Surgeons of Gloucester General Infirmary, in favour of Medical Reform.

ADDRESS TO HER MAJESTY.] The Lord Chancellor reported to their Lordships that the House had waited upon Her Majesty with the Address in Answer to the Royal Speech, and that Her Majesty had been graciously pleased to return the following Answer:—

"MY LORDS,—This renewed Assurance of your Loyal and dutiful Attachment is received by Me with sincere Satisfaction.

"I RELY with Confidence on your cordial Support in My Endeavours to promote the Happiness and Contentment of My Subjects."

Address and Answer to be printed and published.

BUSINESS OF THE HOUSE.] The Marquess of *Normanby* had a question to put to the noble Duke opposite, relative to the business of the House. He held in his hand a Return, made in consequence of a Motion to that effect last Session, respecting the periods at which different Bills had come to this from the other House of Parliament; and he found, by referring to it, that more than three-fourths of these Bills had been brought up as late as July. When he had drawn the attention of the House to the subject last Session, none of their Lordships seemed more to feel the inconvenience than the noble Duke opposite. Now, if they did not wish it to recur again, there must be an attempt to remedy the evil during the early part of the Session. Judging of the intentions of the Government relative to the introduction of new Bills from the Royal Speech, it did not occur to him that any of the Bills in question were likely to be originated in their Lordships' House, and this being the case, and the Easter recess coming on so early this year, he did not think that, with the best intentions on the

part of the noble Duke, any immediate attempts could well be made. But he was sure that the noble Duke, recollecting what they had suffered last Session from the circumstance to which he had alluded, would have the kindness to use his powerful influence with his colleagues, so to order matters as to enable their Lordships, from the Easter recess to the conclusion of the Session, to take business step by step, instead of having it accumulated together at the very close of their sittings. It was with reference to this subject that he put his question. He hoped, even although no immediate answer should be given, that the matter would not be overlooked by Government.

The Duke of *Wellington* observed that however, his noble Friend had not put any question at all. He had made a statement, with which he quite agreed.

The Marquess of *Normanby*: The questions he had intended to put were—first, whether any of the measures to be introduced by Government were likely to originate in this House? And also, whether they were likely to have any important measures submitted to them previous to the Easter recess?

The Duke of *Wellington*: Let this intimation stand as a Notice, and let my noble Friend repeat the questions to-morrow night.

BAIL IN ERROR — CHALLENGE OF ARRAY.] Lord *Campbell* begged to draw the attention of his noble and learned Friend on the Woolsack, to a subject in some measure connected with the subject on which the noble Marquess had just addressed the House. It was relative to the Bill that had occupied the attention of his noble and learned Friend, respecting Bail in Error in Criminal Cases. He hoped there would be no delay in bringing this necessary and useful measure forward, as it was desirable to send it down to the Lower House as soon as possible. There was another point to which he wished to direct the attention of his noble and learned Friend, as it was of considerable importance.—It also was in some sort connected with the matter he had just referred to. The subject of it arose out of a proceeding on which he was not anxious to say much, not desiring to revive discussions tending to prolong or to reproduce angry feelings. He referred to the mode of proceeding which was to be adopted

henceforward with respect to objecting to a Jury which had been improperly returned. He would assume that the opinions of the Judges who had been consulted on that subject were perfectly correct. He would also assume that the view taken of the same subject by his noble and learned Friend on the Woolsack, was perfectly correct. Then, if so, how, according to the law of England, was a person now to act with respect to a Jury thus improperly returned? It appeared to him, if the law were correctly defined, that as it now stood, the party put on his trial was without a remedy. An accused person might be put on his trial before a Jury partially selected, and yet he was without remedy for this wrong. The old Common Law of England gave the accused the right, under such circumstances, to challenge the array, and on proof of the validity of the objection, the array was quashed, and the process of forming the Jury was renewed. Formerly, the duty of impanelling the Jury devolved upon the Sheriff, or, in his absence, upon the Coroner; and upon this functionary it depended whether the Jury so impannelled, was properly or improperly constituted. The ground of challenge then was, that the Sheriff was either partial or not indifferent, and upon either of these grounds, if proved, the jury was quashed. Afterwards, however, by a most excellent law, for which they were indebted to the present Prime Minister, the mode of constituting the Jury was altered, and the power formerly vested in his hands was taken from the Sheriff, and entrusted to other functionaries. The challenge to the array was likewise taken away, because the Sheriff could no longer influence the formation of the Jury, nor was he recognised in the proceeding. This being the position of matters, the learned Judges came to the unanimous decision, that as the Sheriff could no longer be complained of, the challenge to the array was gone. Now, although he was humbly of opinion that this was a point involved in considerable doubt, and that another mode of redress might still be pointed out, still, assuming that the decision was correct, he hoped that his noble and learned Friend would acknowledge that the law, if such were the law, should not remain in that condition, but that some remedy should be provided, something tantamount to the challenge to the array when the Sheriff was the re-

turning officer. Now, he begged to draw the attention of his noble and learned Friend to this subject, and he ventured to ask him now, or if he wished for time to consider it, he would not press the question, but he ventured to put it—to ask whether it was the intention of Government speedily to bring forward a measure upon the subject? Such a Bill would certainly be better in their hands than in those of any noble Lord sitting upon the left of the Woolsack. He would repeat the question—whether it was now the intention of his noble and learned Friend to introduce any such measure as that to the necessity for which he had referred? If it was his intention, he would most willingly leave the matter in his hands. His (Lord Campbell's) sole object was to amend the Criminal Law, and he would much rather that the measure came from his noble and learned Friend than that he should attempt to introduce it. But should that noble and learned Lord's answer be that he declined to take any such steps, then he (Lord Campbell) gave notice that he should feel it his duty to move for leave to bring in such a Bill as he believed was wanting upon the subject.

The *Lord Chancellor* said, his noble and learned Friend had put two distinct questions to him. The first was, whether, in conformity to the engagements entered into by him on a former occasion, he was prepared to bring in a Bill on the subject of Bail in Error. He begged leave to state that, having directed his attention to this matter, it was his intention within a few days (so that the Bill should pass through the House before Easter) to bring in a Bill on the subject, the provisions of which were founded in no small degree upon the Bill formerly brought forward by his noble and learned Friend. With respect to the second topic upon which his noble and learned Friend had addressed their Lordships, he thought some misapprehension existed in his noble and learned Friend's mind. He did not understand the learned Judges to have given their opinions to the effect stated by the noble and learned Lord; nor had he (the Lord Chancellor) given any opinion to such an effect, for he did not think the right of challenge to the array was taken away by any recent Act of the Legislature. All the learned Judges said was, that the challenge to the array did not lie in that particular case to which their attention

was directed. The challenge to the array could only be had by reason of a default on the part of the returning-officer. If the Sheriff was the returning-officer, then the challenge existed either as to his unindifferency or his default. Those were the grounds upon which the Common Law of England granted the right of challenge. But in the case referred to there was no imputation upon the Sheriff, nor was there any ground to accuse him of unindifferency, and for that reason, according to the Common Law, there was no ground for allowing a challenge of the array. That was the opinion of the learned Judges. The ground upon which the challenge of the array in the case in question rested was, that there was a defect in the book. A certain number of names which ought to have been there were not in it. The list was, therefore, defective; but the Sheriff was bound to take the names from the list presented to him by the proper officer, and no blame could be attached to him, for he performed his share of the duty correctly. He therefore apprehended that the learned Judges gave no opinion to the effect stated by his noble and learned Friend. That there existed an evil in the proceedings he entirely agreed with the noble and learned Lord in admitting, and if it was necessary to prevent its recurrence, a remedy should be provided. If a jury-book were defective, or if names were improperly empannelled, a remedy ought to exist; and if by the existing law none did exist, his attention should be directed to the subject, in order to provide one, and he would bring in a Bill for the purpose. The defect in the case referred to, arose out of an act of the Legislature, which was passed with a view to amend and revise the law relating to Juries. The Common Law had nothing to do with the particular case in question. He trusted that what he had stated would prove satisfactory to the noble and learned Lord.

Lord Campbell was extremely glad to hear that his noble and learned Friend had directed his attention to the subject; but he was quite certain, at the same time, that if the noble and learned Lord considered the subject further, he would find that the learned Judge's opinions were, that the right of challenge to the array was gone altogether, because the only grounds upon which that right was allowed by the Common Law were the neglect or unindifferency of the Sheriff; and as the matter was no longer under

the control of the Sheriff, but was taken wholly away from him, there was no challenge as far as he was concerned, whilst with respect to any error of the Recorder, there was not, as far as he could perceive, any remedy. He was greatly consoled by the assurance given him by his noble and learned Friend that he would direct his attention to the subject.

[FINANCE — IMPORT DUTIES.] Lord Montague rose to move for the Annual Balance-sheet of Income and Expenditure and for certain Accounts relating to Trade and Navigation in various branches. Their Lordships were aware that he had during the last Session called more than once for Returns of Accounts and Papers exposing the financial and commercial resources of the kingdom. The object which he proposed to himself in pursuing the same course at present, was to put the House, as soon as was possible, in possession of the grounds upon which an intimation contained in the Speech from the Throne must have been based, in order that their Lordships might be enabled hereafter to form an opinion upon the financial policy which Ministers were about to submit to the country. He was not desirous of raising any contentious question with respect to the Royal Speech, further than so far as it was connected with the subject on which he was about to enter: he had avoided any expression of an adverse opinion during the recent discussion, considering it to be most expedient that the Address to the Sovereign should be unanimously assented to. But there was one paragraph in the Speech from the Throne relating to the public Finances on which it was most essential that their Lordships should be able to arrive at an immediate and full understanding. It was the paragraph respecting the Property and Income Tax. That paragraph stated, that "The Act which was passed for imposing a tax upon income will shortly expire. It will be for you in your wisdom to determine whether it may not be expedient to continue its operation for a further period, and thus to obtain the means of adequately providing for the Public Service, and at the same time of making a reduction in other taxation." Now, this paragraph had been interpreted, not in this House, he admitted, but elsewhere, as implying that the purpose of Government was to submit a project not for the temporary but for the permanent continuation of the Income and

Property Tax. Now, to a temporary continuation, so far was he from entertaining an objection, that he thought it was impossible for any one who dispassionately considered the subject to feel any objection—on the contrary it was obvious that there existed an absolute necessity for this measure. But he must beg to call their Lordships' attention to the fact that the sentence which he had read from Her Majesty's Speech, had been construed to infer that the Property Tax was not to be enacted for a limited time, fixed beforehand, but that the Speech raised the large and important question of direct, in preference to indirect taxation, and by some it had been argued that a Property Tax might be very advantageously substituted in lieu of the present system of indirect taxation. Now, he could not believe this to be a correct view of the national interests. But, if it were, it behoved Parliament all the more on that account to look at the subject with a calm and deliberate eye, and to give to the whole question the most searching and serious consideration; if it was intended by the Government, as some apprehended, to render this Property Tax part of the permanent Ways and Means of the country, then, indeed, it was imperatively necessary that the country at large should be acquainted with the real intentions of Ministers, and that Parliament should approach the consideration of the extension of that tax with a previous knowledge of what was contemplated, and with a due sense of its incalculable importance. It was one thing to have to bear an inconvenience for a time, and another to have it sanctioned as a permanency. No one who considered the state of the country could doubt the expediency of the continuance of the tax for the present. The public had been led to consider that there had arisen within the last few years a large augmentation of revenue, and that a very large fund had been created, upon which every class of the community, anxious for the remission of certain branches of taxation, considered that they had an undoubted right to draw. Such, however, would not be found to be the real state of the case when it was rigorously examined. There certainly did exist at present a surplus, in round numbers, of about three millions sterling. But that surplus was only created by the Property Tax, which exceeded five millions, and which Property Tax was—as their Lordships were aware—only a temporary tax expiring in April. The result was, therefore, that, deducting

the Property Tax, so far from there being an excess or surplus of revenue over expenditure—looking to the permanent taxation of the country—there existed, on the contrary, a deficiency amounting to two millions. This blank was at present only filled up by the Property Tax. Were it proposed, therefore, that Parliament should allow that tax to expire, it was obvious to every one that neither Government nor the public could consent to such suggestion. The great object to be kept in view was not only to maintain the public revenue so as to make it equal to the public expenditure, but also to permit Parliament with prudence to give a relief to our taxation; and then the question arose, what were the taxes the repeal of which would be most generally beneficial, and useful to the community? Unless the taxes which it was proposed to repeal were judiciously selected, and unless such remissions were made as were likely to lead to a future increase of revenue, and that at no remote period, the House would in all probability find that, even with the Property Tax, a deficiency of revenue must again ensue. Considering only the ordinary revenue, the country now stood in precisely the same position as when the Whig Government resigned in 1841, and before Sir R. Peel's changes in the financial arrangements were carried into effect. There was at that time a deficiency of between two and three millions, and it appeared that such would have been the case now, had it not been for the great effort which Parliament and the public had properly made to supply that deficiency by a temporary tax. When the subject of continuing the Property Tax came to be considered, the solution of that question would be found to turn upon the taxes which it would be proposed to remit. The object, therefore, of some of the Papers which he was about to call for, would be illustrative of the workings of the Tariff and of the late alteration in our fiscal system. The noble Lord at the head of the Board of Trade—and he would take that opportunity of congratulating him upon his appointment—that noble Lord had presented to the House a document, which he (Lord Montague) had intended to move for, but by the production of which he was glad to have had his wishes anticipated. This document, would, he hoped, be in the course of delivery to-morrow. It was one of the most important and valuable Papers, illustrative of our Customs' Laws, which had ever been prepared and sub-

mitted to Parliament. Undoubtedly, this document was calculated to suggest inferences of the most important kind, and were he disposed to comment upon the way in which it was drawn up, he should say that it was designed purposely to give rise to the inferences in question. Though unwilling to analyze this return at any length, he must be allowed to devote to it a few words in passing. The document showed the state of the Customs' Duties during the two years preceding the operation of the late Tariff, and during the two years subsequent. It was cast under two systems of classification—the first analysis presenting the different heads of duty according to the amount collected, and varying from an annual produce of 100*l.* to 100,000*l.* and upwards; the other analysis had reference, not to the amount of revenue, but to the nature of the articles on which duty was levied. It was a curious fact, in respect to the amount of duty raised on different classes of articles, that out of 22,720,000*l.* raised upon 813 articles, there were 585 of these articles, or nearly three-fourths of the whole, which only produced the insignificant sum of 42,000*l.* Therefore Parliament would have it in its power, if no practical objection should be offered, to abolish the whole amount of Customs' Duties payable on about two-thirds, or, perhaps, three-fourths of the whole number of articles now subject to this taxation, and this at no greater loss than that of 42,000*l.* But if any such course should be under consideration, then he should wish to throw out one suggestion to Government upon the subject. He would wish to remind them, that in their anxiety to give relief to trade they should not deprive themselves of the means of obtaining most valuable statistical information, or they would lose the advantage of considering the moral and political consequences of the change. Take as an example of the ill consequences of such mistake, the cross Channel trade between England and Ireland. Let them not, in their anxiety to free trade from all restrictions, and to repeal all duties, forget that by so doing, without due care, they might take away the necessity for having Custom House entries at all. This was unfortunately the case in the Irish trade, and the result was that the problem, on the solution of which a just estimate of the condition of Ireland so much depended—on a satisfactory answer to which so much would depend for putting down the agitation for Repeal—the power of

demonstrating to the people of that country that their condition was improving, that they were gaining a greater command over the comforts and necessities of life, that consumption was, day by day, extending among them, this problem could not be worked out. The means of raising that most important argument were for ever gone in our anxiety for free trade, and the course pursued of putting the cross Irish trade on the footing of a coasting trade, thus doing away with the necessity for any Custom House entries whatever. He wished to guard the public against a repetition of the same mistake on a still larger scale. He knew that there would be a great pressure for the total repeal of many of the small duties to which special interests were liable; but he trusted that care would be taken, in carrying such arrangements into effect, to preserve, for the purposes of Parliament and Government, as well as for those of the political economist, and as proof and evidence of the fluctuation of trade, that information which could only be well obtained through the medium of regularly kept records at the Custom House. To return, however, to the main subject in hand. He had shown that, out of 22,720,000*l.* raised upon 800 articles, 585 of these articles produced only 42,000*l.* There were some other curious facts noticeable in the document from whence he had taken this result. It appeared that by the reductions made under the late Tariff in articles of minor importance, a considerable loss had been sustained, and that the increase which had taken place had occurred only on articles producing each above 160,000*l.* of duty. It was also shown, that in reference to the nature of the articles taxed, there was a considerable loss on the duties received on articles of raw material, and a considerable loss likewise on goods partly manufactured, but that the great increase had occurred in the classes of articles falling under schedule D, headed "Articles of food." It was under that schedule that the alterations made in the Customs' laws produced any equivalent for the sacrifice made in other articles. He should not, in connexion with this part of the subject, refer to old grievances by calling their Lordships' attention to the amount of the duties on corn and to the working of the sliding-scale; he should content himself with pointing attention to what he had referred to as a remarkable fact. They must not, however, be led astray by the word "food," because a variety of articles

was classed under that head, which would not in common parlance be designated as food. All stimulants, such as brandy, tobacco, and tea, were classed under it, yet the greater part of this increase arose on articles where no variations of duty had taken place. There had been on tea alone an immense increase, exceeding ten-fold the total gain on the Tariff; but the cause of that increase could be easily explained. There had been no alteration in the rate of duty on tea: it continued as it was originally 2s. 1d. per lb., but there had been a great alteration in prices; and whether prices were increased by duty or by other causes was wholly immaterial to the consumer. He did not care whether the difference rose from increased taxation, or from increased cost of production—it was the absolute price he paid that was of importance to him. Now there was an increase of revenue upon tea amounting to more than 1,000,000*l.* sterling. The fall in the price of the article had been from 2s. 6d. to 1s. 6d. per lb., thus fully accounting for the increase in question. Again, however, he would say, that those who looked to those accounts for ground for the repeal of such great imposts as the Malt Tax, the Tobacco Duties, the Paper Duties, or the Soap Tax, would be disappointed in their search. There was no available surplus that could warrant such mighty changes. He referred to these facts to show, that after all, the amount of surplus revenue, available for the purposes of relief from taxation, was not so great as the public imagined. Something effectual should, however, be done. Among the Papers, for the production of which he would move, there was one illustrative of a subject discussed at great length last year. He meant the duties upon sugar. He believed that their Lordships were aware that they had then fixed the Sugar Duties upon three separate classes of sugar—the first the class of British-grown sugar; the second sugar the production of foreign states wherein it was produced by free labour, such as China, Java, and Manilla, with the power of adding such other countries to the list as were found to come within the prescribed conditions; there being also a clause in the Bill by which those countries with which we had treaties of reciprocity were entitled to claim the benefit of this reduced rate of duty for their produce. The third or last class were foreign sugars the produce of slave labour, on which the duty was prohibitory. Amongst the Papers which he now called for was

an account to show whether there had been any importation and admission for home consumption of the second description of free-labour sugar, not the produce of British possessions, which the Bill had proposed to admit. It would be remembered by their Lordships that the Act had not come into practical operation until November in the last year; and its working during the short period between November and February, could not perhaps be considered as a just or at least a conclusive exponent of the future operation of the measure; but it was nevertheless material that their Lordships should have before them the result of the present system, as exhibited during those two or three months; and it would be curious, if it should appear that while the whole policy and object of the Bill, and the intentions of its framers, had been to give a preference to foreign free-labour sugar over foreign slave-labour sugar, no free-labour sugar of any description had been admitted to home consumption; but that the only foreign sugar that had come in was that very slave-labour sugar which it was obviously and declaredly the object and intention of Parliament to exclude. With regard to Venezuela sugar, he believed there had been an Order in Council for its admission. It had been declared last year, by an Order in Council, that sugar the produce of Venezuela, with which state we had treaties of reciprocity, should be entitled to come in under the Act at the reduced rate of duty. He believed there might also have been some sugar brought in from Manilla, but some difficulty had occurred to prevent its introduction for home consumption. Under these circumstances, and feeling confident that ere long the whole subject of the Sugar Duties must be reconsidered, he was sure that the noble Duke opposite would agree with him, that Parliament had a right to ask any information that could be furnished officially, and which was illustrative of the working of the Bill of last year, the more especially as the noble Duke's assent to the production of these Papers need not imply any intention on the part of Government upon the subject, one way or the other. There was another point to which he would advert, the alteration which had been made in the duty on Irish spirits. Their Lordships would recollect that an increased tax had been put upon Irish spirits in the first instance, the result of which was, that a deficiency, instead of an increase, had been occasioned to the revenue in regard to that item. Her Majesty's

Government, in consequence, had very properly taken the matter into consideration, and in a subsequent Session had brought in a Bill to repeal the additional duty they had themselves previously imposed. Now, he was anxious that their Lordships should be informed of the working of this measure. There was another account as to excisable articles, which he wished to be produced, and which, as it was usually made up quarterly would occasion no additional trouble to the department—an account showing the consumption of excisable articles in the present year, as compared with the average consumption of the three previous years. This would give the same information as to the Excise as the noble Earl (the Earl of Dalhousie) had that evening furnished to their Lordships respecting the Customs. There were, besides the articles he had named, two others on which the duty had been altered, and upon which their Lordships would require information as to the result of that alteration. The one was the article timber. That the old Timber Duties required revision, was generally known and admitted; but he must say that a more useless sacrifice than the loss which the revenue had sustained by Sir R. Peel's alteration of the duties on colonial timber had never yet been made. The whole amount of an increasing Revenue on colonial timber had been abandoned without any adequate corresponding benefit to the consumer, and, as he contended, without advantage to the permanent interests of the Colonies. The agriculturist was sacrificed to the Canadian lumberer. The other article to which he alluded was that of coffee. He believed that the measure of Her Majesty's Government with respect to coffee, though not perhaps so comprehensive as might have been wished, was not only a step, but a very great step, taken in the right direction. And he believed the difference in the consumption of that article would confirm in all respects the correctness of the general principles laid down by the framers of the late Tariff, and would justify the carrying those principles into effect on still more important subjects. As a further proof of this, he might refer to the effect of the repeal of the Wool Tax—a subject which had been observed upon before. He might be permitted to say that a better or more politic measure than the repeal of this duty had never been introduced by any Government; and although it had in the first instance excited great alarm in the mind

of the agricultural interest, who had indulged in various prognostications as to its evil tendencies, he believed that the working of the measure, while it had greatly relieved the trade and manufactures of the country, had proved that the fears of the agriculturists had been altogether groundless. Before he sat down, he wished to say a few words upon the question of the duty upon raw cotton. He had more than once brought this before the House. Looking at the severe competition this branch of our staple production had to encounter in foreign markets, he was anxious that the Government should consider whether it would not be possible to relieve the cotton trade of this country from all the duties levied upon the raw material; or, at all events, whether some arrangement might not be made so as to allow a drawback upon cotton goods exported, equivalent to the import duty upon the raw material imported. It was a great hardship upon the English manufacturer that he was compelled to send out his taxed cotton goods to meet in the Chinese markets the untaxed goods of other nations. On this subject he had with him the declarations and authority of the First Lord of the Treasury. He begged to apologise to their Lordships for detaining them so long, but in calling for the Papers of which he had given notice, he thought it his duty to explain shortly the grounds of his Motion. With regard to the financial measures of the Government generally, he wished to add his entreaties to those of his noble Friend (the Marquess of Normanby) that the House of Lords should have full time to consider the Bills which the Government might introduce hereafter. It was quite true that that House did not exercise practically the right to alter Bills of this description, or rather, he should say, if they exercised that right, they knew the consequence would be the rejection of such Bills elsewhere; but at all events their Lordships had the right to examine and discuss these measures; and if they did not consider them most carefully, they failed in the duty they owed to the public. Their Lordships had already several times appointed a Committee on the subject of Customs' Duties. He (Lord Montague) had, with the noble Earl opposite (Earl of Ellenborough), assisted on a Committee, in which the whole question of discriminating duties between the East and the West Indies had been investigated, and most advantageous had been the result of that inquiry.

He trusted the various measures of commercial legislation which would be sent up to that House would not be hurried through, as in former years; he protested against their being brought up at a late period of the Session, read a first and second time without observation, and carried forward for a Third Reading at a time when it was too late properly to consider them.

The Duke of Wellington said, that it could not be expected that he would be prepared to answer the speech of the noble Lord. With respect to the Papers, there could be no objection to the production of them; and the noble Lord might rely upon it, that it was certainly the desire and wish of the Government to give to that House all the information upon all these questions, in order that their Lordships might have an opportunity of discussing them all. As he had already stated, it was impossible for him to follow the noble Lord through the discussion of the various questions to which he had adverted. At all events, the noble Lord must expect that Her Majesty's servants would wait till the financial statement of the Government, which would be given in the House of Commons in the course of a few days, was made, before they made any statement in that House, or interfered in those matters to which the noble Lord had alluded.

Motion agreed to. House adjourned.

HOUSE OF COMMONS,

Monday, February 10, 1845.

MINUTES.] NEW WRIT.—For Lewes, *v.* Hon. Henry Fitzroy, Commissioner of the Admiralty.

BILLS. *Public.*—2^o. Companies Clauses Consolidation; Railway Clauses Consolidation; Lands Clauses Consolidation; Lands Clauses Consolidation (Scotland); Railway Clauses Consolidation (Scotland); Companies Clauses Consolidation (Scotland).

PETITIONS PRESENTED. By Mr. Christopher, from Attorneys and Solicitors of Barton-upon-Humber, and Winterton, against the Stamp Duty on Attorneys' Certificates.—From Mayor, and others, of Kendal, against the Paper Duty.—By Viscount Duncan, from Bath, against the Window Tax.—By Mr. Galley Knight, from Gringley-on-the-Hill, in favour of the Field Gardens' Bill.—By Mr. Stansfield, from Medical Practitioners of Huddersfield, and by Mr. Christopher, from Horncastle, against Medical Practice Bill (1844).

LORD ELLENBOROUGH.] Mr. Hume wished to know whether the hon. Gentleman had any objection to lay on the Table the correspondence which took place between the Government and the Court of Directors, with respect to the recall of Lord Ellenborough. He had moved for this correspondence last Session, but he was not in time.

Mr. Baring said, it was not the intention of Government to lay that correspondence on the Table.

Mr. Hume: But though Government may not do it of their own accord, will they not consent in accordance with my Motion?

Mr. Baring: I have put the hon. Gentleman in possession of the views of Government.

IDOLATRY IN INDIA.] Sir R. H. Inglis wished to ask the hon. Member (Mr. Baring) two questions. The first was as to the course adopted by the Indian Government to carry out a Minute made by the President of the Council in Bengal, in the absence of the Governor-General, for effectually separating the Indian Government from all connexion with the idolatrous worship of the natives, and for withdrawing the annual payment of 60,000 rupees to the temple of Juggernaut, and, in lieu of it, restoring lands which had belonged to the temple, with the view to their being managed wholly by Hindoos? The second question was, what progress had been made by the Government of Madras in separating the pagoda lands intended for the promotion of Hindoo worship from all connexion with, or interference in, the appropriation or management of those lands by the Government of that Presidency.

Mr. Baring said, that the Government did not possess any further information as to what had been done in Madras on the subject beyond what the hon. Baronet was already aware of; but with respect to the proceedings in Bengal, he could state that a considerable estate, which had belonged to the temple of Juggernaut, had been restored to it, by which the annual sum of 60,000 rupees, heretofore paid to the temple, would be reduced to 36,000. Further steps would also be taken to prevent all connexion of the Indian Government with the management of any sums of money or estates set apart for the promotion of Hindoo worship, and he had no doubt that the order transmitted from home on the subject would be fully carried out.

REVISION OF THE RUBRIC.] Lord Ebrington rose, pursuant to the Notice he gave on Friday, to present a Petition from the Rev. Dr. Carwithen, rector of Stoke Clymeland, alias Climsland, in the diocese of Exeter, praying that the statutes 2nd and 3rd of Edward VI., c. 1., and the 1st of Elizabeth, c. 2, might be repealed, and

that the House would procure a calm and temperate review of the Book of Common Prayer, Rubrics, and Canons of the Church of England. The Rev. Petitioner stated—

“That your petitioner is no less by inclination than by duty sincerely attached to the Protestant Church of England and Ireland as by law established, and therefore views with pain and regret the excited state of the diocese of Exeter, in consequence of several of the parochial ministers attempting a strict compliance with the Rubrics contained in the Book of Common Prayer, to the observance of which their attention has been especially called by the high authority of their Bishop.

“That your petitioner and his clerical brethren are bound, not only by their ordination vows, and by canon to ‘reverently obey their ordinary in all things lawful and honest,’ but are also liable to be indicted at the assizes held before my Lady the Queen’s Justices in the county where the offence is committed, by any layman or other person whatsoever, for not complying with the Rubrics in the Book of Common Prayer in every particular even to the minutest point, under the statutes of 2 and 3 Edward VI., c. 1, and 1 Elizabeth, c. 2, and if convicted thereof ‘by verdict of twelve men according to the laws of this realm, or according to their own confession, or by the notorious evidence of the fact,’ will have to suffer heavy fine and imprisonment, and for the third offence deprivation of all ecclesiastical promotion, and imprisonment for life; and the Archbishops and Bishops are equally liable to the same indictments and penalties as the clergy.

“That your petitioner is, and always has been, very desirous to perform his clerical ministrations in such manner and form as the Rubrics require and custom has sanctioned; but in the present very excited state of the diocese of Exeter, and in consequence of three pastoral letters of the Bishop of that See, as it appears to your petitioner of very uncertain and different import, your petitioner is at a loss how to act with safety to himself and satisfaction to his parishioners in his official ministry, and that moreover it appears to your petitioner that the difficulty can only be gotten rid of by legislative enactments, as under the existing laws neither the Archbishops nor Bishops, individually or collectively, can alter or dispense with a single provision contained in the Rubrics.

“That in the opinion of your petitioner the Book of Common Prayer and its Rubrics are nearly in a state similar to that on the return of King Charles II. to this kingdom, when, being found defective and unsuited to the times, a royal letter was addressed to convocation, commanding a review of the Book of Common Prayer, when the convocation entrusted the business to a Committee, who made alterations and additions, which were submitted to and approved by Parliament, and confirmed by 13 and 14 Charles II., c. 4.

“Your petitioner also, with all due deference, ventures to remark that Parliament has, without the consent of convocation, altered a Rubric, namely, as to the publication of banns of marriage, by passing the 26 George II., c. 33.

“Your petitioner therefore humbly prays your honourable House to take the subject into your gracious and serious consideration, to cause the statutes of 2 and 3 Edward VI., c. 1, and 1 Elizabeth, c. 2, to be repealed, and to adopt such measures as to your wisdom may seem fit, to procure a calm, moderate, and temperate review of the Book of Common Prayer, Rubrics, and Canons of the United Church of England and Ireland, as may have the effect of settling those differences of opinion and practice which now exist among those who have all subscribed before their respective bishops, and published to their parochial congregations the declaration ‘that they will conform to the Liturgy of the Church of England and Ireland as by law established.’”

Petition laid on the Table.

EXPORT DUTY ON COALS.] Mr. *Hume* said, that as there did not appear to be anything particular before the House, he had risen just to express a hope that, as the right hon. Baronet was about to lay before the House his plan of existing taxation, he would not forget the export duty on coals, on which he had been so much pressed, and with respect to which he had caused so much injury to the coal trade. As the right hon. Baronet had injured that trade so much, he hoped that in the forthcoming financial statement it would not be forgotten.

House adjourned at five o'clock.

HOUSE OF LORDS,

Tuesday February 11, 1845.

PRIVATE BUSINESS.] On the Motion of Lord *Shaftesbury*, it was resolved that no Petition in favour of a Private Bill be received after Tuesday, the 8th of April, and no Report from the Judges thereon after Thursday, the 5th day of June.

BUSINESS OF THE HOUSE.] The Duke of *Wellington* said, that with reference to the question which the noble Marquess opposite (the Marquess of Normanby) had given notice of last night, relating to the House of Parliament in which Government intended to originate the measures which they were to bring forward, he had to reply that, from the nature of these measures, it appeared that they must nearly all be brought forward in the House of Commons—that they must originate there. There were, however, two Bills which would be first introduced in

their Lordships' House; of one of these notice had been given this very evening, and the other would be brought on as soon as possible.

The Marquess of *Normanby* replied, that the answer of the noble Duke was perfectly satisfactory with respect to the two Bills in question; and most of the others, under the present custom of Parliament, must originate in the House of Commons. Still he thought that, if the inconvenience resulting from a rigid adherence to this rule should be found as great this year as it certainly was last year, then that some other arrangement should be come to on the subject. At present their Lordships' time was wasted in the early part of the Session, and everything was crowded on together when a majority of their Lordships had left town, and when, even although they were all present, they would really have no time to bestow for their consideration. In alluding to the subject last night, he had stated generally that more than two-thirds of the business which came up from the other House came up after the month of July. On looking more particularly to the Returns with which he had been furnished, he found that two Bills had been received in February, three in March, one in April, ten in May, nine in June, fifty-two in July, and twelve in the four last days of August, on which their Lordships sat. Thus it appeared that in the four last days of the Session more Bills had come up from the House of Commons than in any one month previous to that date, with the exception of the month of July, during the latter half of which the attendance of their Lordships had much diminished. The noble Duke would recollect that in shaping his question last night, he had begged of him to use his great influence with his Colleagues in the Government, with the view of having the business of the House of Commons gone on with by such degrees as would enable Bills to be brought up one by one. At present a number of Bills were thrown on the Table of the House of Commons at once, and there they remained until about July. The practice was exceedingly inconvenient to noble Lords, highly injurious to their Lordships' legislative character and credit, and a very great impediment to their faithful and efficient discharge of their public duty.

The Duke of *Wellington* was sure that no persons could be more conscientious in the discharge of their duties than those

who composed Her Majesty's Government; and indeed, a regular performance of these duties was as necessary for their own comfort as for the public convenience.

COMMISSIONERS OF BANKRUPTCY IN LONDON.] Lord *Brougham*: I gave notice last night of my intention of presenting this evening a Petition from a very respectable solicitor, containing serious complaints—not of any malversation—certainly not—nothing of the kind—nor of any incompetency—quite the contrary, for there are not more learned men, nor more honourable men, in the profession of the law than these gentlemen, with reference to whom that Petition is drawn up—I mean those gentlemen who have been appointed from time to time, both by my noble and learned Friend on the Woolsack and myself, to act as Commissioners of Bankruptcy in the city of London—but the complaint is relative to a subject which there is no doubt about whatever in point of fact, because we have it under the hands of these Commissioners themselves. These gentlemen make returns, we have full returns relative to their attendance at their courts, and they do not seem to attend above three days or three days and a half in a week, and one there is who does not sit more than two days in the week, thus leaving five days blank, and for this these gentlemen receive 2,000*l.* a year. However, I shall not only not present this Petition to-day, but I shall not present it at any time, if my noble and learned Friend upon the Woolsack gives me reason to hope that these six Commissioners will at length be pleased to attend in proportion to the amount of the business to be got through, and not put suitors to the inconvenience to which not merely this petitioner, but scores of petitioners who have privately complained to me, are every day subjected.

The *Lord Chancellor*: I certainly did ask my noble and learned Friend not to present the Petition to which he has alluded, until I had an opportunity of seeing it, and of communicating its contents to the gentlemen to whom it refers, in order that I might receive from them such explanations on the subject as they might be in a condition to offer to the House. The Petition really contains a very grave and serious charge—a charge which should not be brought forward without giving the parties accused an opportunity of replying. I hope my noble and learned Friend, therefore, will allow

me to look at the Petition with this view. I have always given my noble and learned Friend that credit for the alteration in the Bankrupt Law which he is entitled to have; but now the very persons appointed under these alterations, and appointed principally, indeed, by my noble and learned Friend himself—and nobody could find fault with his selection—I say it is these very persons of whom the complaint is now made. They certainly ought to have time to offer any explanation they may choose, to the complaint of the Petition.

Lord Brougham: I would not have done so much as I have done, I would not have brought forward the complaint, had I not had the subject of that complaint under the hands of the parties themselves. They have stated the facts complained of in their own handwriting.

The Lord Chancellor: I have had a conversation with one of the Commissioners, and he says, "It is true we don't sit every day, but our labours out of court are greater than our labours in it. We have papers to look over at home, points to settle, and so forth." As for myself (continued his Lordship) I am sure that my labours out of court are much greater than in court.

Lord Brougham: I am quite aware of all that, and I will be ready to meet any person who maintains the doctrine that the Commissioners should sit every day. But at present, they crowd too much. They crowd thirty or forty things into one day's sitting, and, in fact, the petitioners cannot get into the court in consequence of the crowd of suitors gathered there.

The Lord Chancellor: That was another point I mentioned. My noble and learned Friend really exaggerates very much when he talks of thirty and forty cases. The Commissioner, with whom I had a conversation, stated the number to be generally twelve, or sixteen, or eighteen Petitions per day.

Lord Brougham: Oh, more, a great deal more.

The Lord Chancellor: And many of these are mere matters of form which can be disposed of in two or three minutes. One or two may be more important and serious, requiring time and consideration. But the gentlemen themselves will furnish a due explanation. I have no doubt at all but they can give a satisfactory explanation.

Lord Brougham: Well, I hope so too; but the explanations hitherto given have been quite unsatisfactory, and, though these things are trifling in themselves,

they require attention. Now, in one case, there were five witnesses, sheriffs' officers, and other persons from the country, who were obliged—the case not having been heard on account of the quantity of business to be done—who were obliged to go back the first day and come back the next, the expense of all this being charged to the estate in question—by the way, a very small one. This was one of the consequences of the present system.

Lord Campbell: I am glad that my noble and learned Friend has postponed the presentation of this Petition, because I think the gentlemen referred to in it ought to have an opportunity of explaining away, if they can, its allegations. The Petition throws out very serious charges against them—accuses them of very considerable negligence in discharging their duties: I therefore think they ought to have an opportunity of defending themselves. Their appointment gave universal satisfaction, and I hope it will turn out they that have performed their duty in such a manner as was to be expected from their known and admitted qualifications for discharging it.

Subject dropped. House adjourned.

HOUSE OF COMMONS,

Tuesday, February 11, 1845.

MINUTES.] NEW MEMBER SWORN.—For Buckingham Borough, Rt. Hon. Sir Thomas Francis Fremantle, Bart. PETITIONS PRESENTED. By Mr. W. Gladstone, from James Surrey, of London, against the Malt Tax.—From Edinburgh, against the Alteration of Law relating to Banking (Scotland).—By Mr. Bright, from Cadogan Williams, against the Game Laws.—By Mr. Godson, from Medical Practitioners of Kidderminster, and from Southampton, against Medical Practice Bill (1844).—From Ratepayers of Bricklow, against Parochial Settlement Bill (1844).—By Mr. Bright, from Hutton, and 2 other places, for diminishing the number of Public Houses.

POOR LAW (SCOTLAND).] Lord Dalmeny: I rise, Sir, to put the question, of which I have given notice. I feel justified in adopting this course, not only from the importance of the subject, but from the deep interest which the country to which I belong takes in it. The House is no doubt aware of a statement made some time back as to the dreadful extent of destitution which prevailed in Scotland, and that the present system of Poor Laws was totally inadequate to meet the exigencies of the case. No sooner had that statement appeared, than various remedies were proposed, and Ministers appointed a Commission, with ample powers to investigate and report, as well as to suggest such remedial measures as they thought best adapted to

meet the evils complained of. That Committee last Session laid its Report on the Table. With regard to the remedial measures, a great diversity of opinion prevailed, but as to the evidence, there was an universal feeling of astonishment and horror at the distress to which it testified.

The *Speaker*: The noble Lord is not at liberty to enter into an argument on the subject, on his notice to ask a question.

Lord *Dalmeny*: It is not my intention to do so, and I will at once put my question; first, whether it be the intention of Government to introduce any measure for the alteration and amendment of the Poor Law in Scotland, and, whether, if they do so, it will be in accordance with the Report of the Commission of Inquiry of last Session.

Sir *J. Graham*: I am not at all surprised that the noble Lord, as a Scotchman, should take a deep interest in this subject. I am quite satisfied that he has not exaggerated the importance and difficulty of the question. The noble Lord, though not arguing the question, has made something like a statement, and I hope I shall be excused for following his example. The noble Lord and the House are aware that the code of laws for the regulation of the poor in Scotland has existed for two centuries, and has been referred to by the highest authorities as a proof of the wisdom of the Legislature by which it was conceived, and also, until a recent period, of the prudence and caution, and I will also say, of the humanity of those by whom it was administered. Now, Sir, in these circumstances, recollecting always that any change in a law possessing such authority, if proposed by Government, is an irrevocable step, I need hardly tell the noble Lord and the House that it becomes the Executive Government of Her Majesty to exercise the utmost caution and consideration, before they venture to propose to Parliament any alteration whatever in such a law. For it should be borne in mind that whether under this law, or independently of it, the people of Scotland have acquired a great pre-eminence in science, agriculture, commerce, and productive industry. To touch such a law, therefore, I say again, requires the utmost caution. At the same time, I will tell the noble Lord that the anxious attention of the Government has been directed to the Report and Evidence to which he refers. I am of opinion, on the whole, that some legislation will be necessary; but at this moment, it would be premature to pledge myself to the precise time when a Bill will be introduced;

I could not do that with any satisfaction, until the measure is so far perfected by Her Majesty's advisers that I feel confident I could soon bring it forward. I am not in a condition to state that at the present moment. I can only repeat my opinion, that it is probable a measure on the subject will be proposed in the present Session. Of course, it would be impossible for me to fetter the discretion of Her Majesty's Government by saying that we should be bound by the precise terms of the Commissioners' Report.

[RAILWAYS.] Mr. *Wallace*, in bringing forward the Motion of which he had given notice, said he had no personal reflections to cast on the Board of Trade. He had always been received with courtesy by the late President, and the present noble Lord who presided over that Board, and they had afforded him every information which he desired. He felt that the subject to which he was now about to call the attention of the House, was more important even than the matters which would be referred to in the financial statement on Friday. The question was, whether the people of this country, being subjected to a network of railways, would admit of a most dangerous monopoly in the management of them. He should establish by statistics, as far as he could, the truth of the statements which he submitted. He first maintained that by means of the Railway Department of the Board of Trade, that Board had arrogated to itself an enormous amount of business which properly belonged to that House. In fact, the Board of Trade was not qualified for the superintendence of railways: its more legitimate duties were to watch over and protect our commercial intercourse with foreign states, and to see that our commercial and trading relations with them were duly carried out. He had voted last year for the Railway Bill, but he had done so in the hope of being able, at some future day, to open up the whole question, and to do away, as far as practicable, with the monopolies under which the public suffered. He believed that nineteen-twentieths of the people of this country would say that they ought to be relieved from the oppression, loss of health, and destruction of property which resulted from the effect of the present system of railroad management. An important document had been given him by the noble Lord the President of the Board of Trade. That document contained a list of all the companies which had given notice to the

Board of Trade of their intention to come before the House. It came down to the 8th of February, 1845, and from that it appeared that the applications for new lines, extensions, branches, &c., amounted altogether to 248. Of these eighty-two were new lines, extension lines fifty, branch lines sixty-eight, and junction forty-eight. Now, one ground of his objection to the system of the Board was, that it discouraged many projects of branch extension and new lines, which if allowed to be carried out would be productive of great benefit to the public. But the Railway Board had gone in a contrary direction to what the interests of the country required. They were not sanctioning new lines of railway, as would be seen from the Papers to be laid on the Table of the House. Though he could not speak to the reasons, the fact was that they were discouraging competition, and thus depriving the people of this country of a free trade in railway conveyance, without which they must virtually become the slaves of the railway directors of Great Britain and Ireland. It was objected that competition was an extremely difficult thing to secure as to railways. He had gone through the Reports of the various Railway Committees of that House. The first Committee was appointed in November, 1837, on a Motion of his own, in which he was supported by the late Chancellor of the Exchequer, from which time to the present a Committee on railways had been appointed every year. In 1837, only two persons were nominated as Members who had any interest in railways—a director and shareholder. In 1840 the number of persons interested in railways belonging to the Committee was increased to three. But in the year 1844 the right hon. Gentleman then President of the Board of Trade, proposed to the House a list containing no less than twelve persons, who were either directors or shareholders in railways. The House, as well as the country, would, of course, judge whether that Committee was what he (Mr. Wallace) termed it at the time, a one-sided Committee, or a fair and just Committee, fitted to take into consideration and deal with such vast and important interests. He termed it at the time, a one-sided Committee; he did so now. He maintained that the resolutions and proceedings of that Committee were utterly unworthy of the respect which had been paid them. From that time forward he believed the most perfect distrust had been felt by the country at large in the Reports

of that Committee. There were in the third Report extremely good principles laid down; most excellent facts were alleged as to the dangers of monopoly, and of the evils of extending the powers of railway companies, so as to enable them to over-ride and overthrow the privileges of the people. But these all disappeared when the fifth Report was published. The fifth Report recommended not that the Railway Board should form part of the Board of Trade, but should be an addition to it. If the Report were looked into, the House would find in it a premeditated scheme for conveying to the Board of Trade the right of deciding on railway schemes. One of its most mischievous recommendations, in his opinion, was that suggesting the publication of the decisions of the Board. It was entirely owing to these being published in the *Gazette* that all the conflicting injustice, speculation, and gambling in shares had taken place. He blamed those who had instructed the Board of Trade to take that course, and not that body itself. It was of great importance to the people that they should know at what rate passengers and goods could be conveyed on railways. He begged to submit a statement on those points, which he hoped would have great influence in inducing hon. Members to give him their support in repealing the law passed last Session, and thus doing justice to the people of England. It was a table of rates of speed and fares charged on the railway between the city of Edinburgh and the town of Glasgow. From this it appeared that passengers were conveyed over the intermediate distance of forty-six miles, by the first-class carriages, at a rate of twenty-seven miles an hour, in one hour and fifty-minutes, for 8s., or about 2d. a mile; by the second-class carriages, at the same rate of speed, for 6s., or 1½d. a mile; by the third-class, No. 1, at the same rate, for 4s., or 1d. a mile; by the third-class, No. 2, at the rate of fifteen miles an hour, in two hours and forty-five minutes for 2s. 6d., or two-thirds of a penny per mile; by the fourth-class carriages, at the same speed, for 1s. 6d., or four-fifths of a penny per mile. The arrangements for the conveyance of passengers were of the most complete and satisfactory kind, and the carriages were excellently fitted up. He begged the House would not suppose that he thought his countrymen had any greater humanity or good feeling towards the poorer classes than was to be found in England; they did not care one straw about

them when their own pockets were concerned. Money was the object in both cases, and when the railway directors could, they did precisely as the First Lord of the Treasury did—screw out of their passengers all they could. On the railway from Glasgow to Greenock, passengers were conveyed by the first-class trains, a distance of twenty-three miles, at a rate of nearly thirty miles an hour—in fifty minutes—for 2s. 6d., or $1\frac{1}{4}d.$ a mile; by the second-class trains, at the same speed, for 1s. 6d., or $\frac{3}{4}d.$ a mile; by the third-class trains, at the same speed, for 1s., or $\frac{1}{2}d.$ a mile; by the fourth-class trains, at seventeen miles an hour, for 6d., or $\frac{1}{4}d.$ a mile. Thus working men were enabled to go between these towns in fifty minutes for 1s., and when they had leisure, for less money. He hoped the House would perceive from these instances, that railway traffic might be carried on at a cheap rate with perfect security and comfort, for on these railways the carriages were superior to those on most of the English lines. From Edinburgh on the east coast of Scotland, to Greenock on the west coast, between the German Ocean and the Atlantic, a distance of sixty-nine miles, first-class passengers were conveyed for 10s. 6d., second-class passengers for 7s. 6d., third-class passengers for 5s., third, No. 2, passengers for 3s. 6d., fourth-class passengers for 2s. So that sailors or any other working men, travelling in search of employment, might pass from one side of Scotland to the other at the cost of only 2s. for sixty-nine miles, or about one farthing and a half per mile, at a rate of sixteen miles an hour; and if Her Majesty should be pleased to visit Scotland next summer, she would be enabled to travel from sea to sea in two hours and fifty minutes for 10s. 6d. He would just state to the House the difference that existed in the fares between Edinburgh and Greenock, and those between Bristol and Exeter. By the Edinburgh line the first-class fare was 10s. 6d., but on the Exeter line it was 17s. The second-class on the Edinburgh line was 7s. 6d., and on the Exeter line 11s. 9d. By the third-class in Scotland the charge was 5s., and on the Exeter line it was 5s. 9d., but upon this line they had no third class, No. 2, or any fourth class at all. Besides the penny a mile in England only occurred in one train a-day, and he would make a statement which he believed could be verified, though he would be glad if any hon. Gentleman could contradict him, that the third-class carriages were attached only to such trains as started at the most incon-

venient periods for the working classes: he believed that it was impossible for them to leave London by the trains at 1d. per mile and to return the same day, so that they were often forced to go by second-class carriages, that they might return the same day; in fact, part of the plan was, if the passengers had any money at all, to drive them from the third and fourth classes into the first and second, owing to the inconvenient hours at which the trains started. This was a grave charge to make, but he believed it to be perfectly true, knowing the fact that they so arranged the trains that the work-people could not go and return the same day. It seemed the decided aim of the directors and shareholders to inflict all the evils they could on the public. In the *Railway Times* of the 16th December, 1843, it was expressly stated that link was being added to link till the whole of the railroads would form five or six arteries, and that nothing could injure the capital invested in existing railways except competition. The proprietors were therefore urged to combine together to give their property that fixed and stationary value which so large an investment of capital demanded, to do which they had only to act on one principle of railway conservatism. This competition, of which the Railway Proprietors were so much afraid, was the only mode left to the people of this country for having a proper power of travelling from one part of the country to the other. He begged to suggest that this competition might be obtained in more ways than one. In the first place, one railway might be run in the same direction as another; and, for himself, he begged to intimate distinctly that he would invariably give his support to railways which were new lines and which were competing lines. He preferred new lines to those which were only a continuance of old Acts, and an extension of the present monopoly. He was not unaware that companies might agree amongst themselves, and so upset any competition, as they had frequently done already; but if the House would set about it he had no doubt they would soon put an end to the amalgamation and joining of railway directors, whether within the city of London or elsewhere. The House had only to provide that the railways should have no power of amalgamation without the sanction of Parliament. Another way of producing competition was open to the House at that moment. There were several railways proposing to go in the same direction; let these be obliged to offer ten-

ders of accommodation, and say which would carry the people at the greatest speed, and at the lowest rate of fares. If this were not done, the people might be squeezed by the iron grasp of the railway directors. In the two counties with which he was connected, the counties of Ayr and Renfrew, there was a railroad connecting Glasgow, the town of Ayr, and the seaport towns of Troon and Ardrossan. The directors charged a greater sum for goods going to the port of which the Earl of Eglintoun was owner, than to the port of which Lord Portman was owner. The Earl of Eglintoun, with great good sense and much tact, having discovered that he could make a railroad to his own harbour for the conveyance of minerals, independently of the existing company, employed agents to buy the land necessary for that purpose, and then he and Lord Glasgow gave notice to the directors that they would make a railroad alongside the other railway; they got their flags and were in readiness to proceed, and then the railroad directors came to their senses and said, "We will do what you please; say what you want, and down shall come the fares." So that there were three ways by which competition could be obtained; and if no one voted against him except those not interested in railways, he was sure to carry his Motion. In the Notice he had given he had alluded to the evidence given before the Committee last year as to the small charge at which passengers could be conveyed by railroads, and now he would refer to the estimates given in a pamphlet entitled *Railway Reform*, published without the name of the author; but that Gentleman, whose name was Galt, had called upon him, and had made the following calculations from the Reports of the different railway directors to their constituents of what was sufficient for the conveyance of passengers. The rate of speed he took at the average of eighteen or twenty miles an hour, and he calculated that first-class passengers might be conveyed twenty-five miles for 3*d.*, second-class passengers for 2*d.*, and third-class for 1*d.* Now, Mr. Laing, of the Board of Trade, stated in a Report given by him to the Board, taking the same basis of calculation, that passengers could be conveyed 100 miles for 1*s.* 7*d.* each; this included the whole expenses of management for all classes; but, dividing them, he calculated that a first-class passenger could be conveyed 100 miles for 2*s.* 8*d.*, a second-class for 1*s.* 3*d.*, and a third-class for 10*d.* Had there been any contradic-

tion given to that statement? He had seen none; hon. Members might disbelieve it, but had it been contradicted? He believed that the Board of Trade would have done well if they had occupied themselves in a very different manner than in making these Reports. When the Resolutions were passed last year he had believed that a different course would have been taken by them; he had thought that they would not have decided upon railroads, and he now hoped that there would be more independence in the House than to bow implicitly to their decisions. Among other matters, the Board of Trade would have been well occupied if they had considered whether minerals should be carried on the same line of railway as passengers; in his opinion the carriage of minerals and of passengers should be separated; at any rate, they should not be carried on a line near such a town as London, and where the population was large. Nothing could induce Railroad Companies to incur so much danger, except the pursuit of the one object of turning a penny, common to all Railway Companies. Large masses of minerals were at present conveyed over some lines, and this, he thought, was extremely objectionable, because it made railway travelling inconvenient, and not unfrequently endangered the lives of passengers. Now, he thought railways running through populous districts, or coming to such places as London, ought to be excluded from carrying goods of a heavy description. He did not object to the carriage of light goods or luggage; but it was exceedingly unwise and inconvenient that coals or other produce of mines should be suffered to pass over the same line as immense numbers of passengers. Again, he should have thought the Board of Trade would have been well employed in considering whether the railways should not be carried into the towns they now approached. As it was, they stopped just where the heavy expense began, to the great inconvenience of the public. Indeed, he believed the common-place talk of the directors, when fault was found, was, "We are only the servants of the railroad proprietors; we can do nothing ourselves to help the public; if the people are smashed, we cannot help it, we can only act for the shareholders." He had always looked upon railways as public property; but the companies with which he was acquainted had conducted them merely as private speculations. Now, a railway was most certainly public property, and public property, too, of an important cha-

racter, and ought to command the increased attention and vigilance of the Legislature. No sooner, however, did a company obtain its Bill, than the comfort or convenience of the public was neglected, and nothing thought of but what was termed "turning a penny." Now this, every body must admit, ought to be well looked after by the Legislature; for companies would then not be suffered to take an undue advantage of the public when they found out there was no other means of conveyance but their particular railway. He would say that, in justice and common sense, the country ought to insist on that competition which they had a right to demand, and which they might have had at first. He stated boldly, that the companies had allowed no opportunity to pass of overreaching the public; they had overreached him, and he was not ashamed to say so, although he was sorry for it. The volume which he held in his hand contained the Report of the Committee of last Session, and other important matters relating to railways; and as there were 248 railway projects coming before the House, that book would be exceedingly useful, and he was very glad to see that it had been printed. Competition was not altogether new in railways. It had been tried, and with every success, by running the same trains and engines on different lines. Perhaps it might not be known to many Members of that House that the Grand Junction and the Birmingham Railway Companies had agreed to allow each other's carriages to run over both lines. No inconvenience had arisen from this arrangement, either to the companies or the public. The House had an example by which the public could be greatly benefited. That proposal was not new to the House of Commons. He held in his hand a Bill which was brought in on the 13th of June, 1836, by the hon. Member for Inverness. This was for a revision of the tolls, and it was received with great favour in the House. A promise was given that the attention of the Government would be directed to the subject; but since then it had been put off from time to time upon various pretexts. In the year 1837, a Committee was appointed to inquire into the subject, and in consequence of its recommendation a Bill was brought in by persons who were then in as high places as those were who introduced the Bill of last year. He believed that Bill was brought in by the right hon. Gentleman the Member for Taunton. There was a clause in that Bill of very material moment, and had

the Government not abandoned their own proposal, they would have a different state of things at that moment. What it proposed was, that an experimental set of railway carriages should be constructed and placed under the management of the Post Office, so that it might be ascertained with certainty what was the cost, the rate of rapidity of the carriages, and the best mode of conveying goods and passengers, an allowance proportioned to the number of carriages being made to the Railway Proprietors. What had been done by the Act of last Session? That Act bound them to protect for twenty-one years all the monopolies which already existed, making no allowance for the increase of population, which could not in that period be much less than seven or eight millions. Nothing could be more absurd than to allow railway companies to go on upon the present system for so long a time. He held in his hand letters from various people, which he had received since he gave notice of his Motion. All of them complained of the first-class carriages, though, if possible, still more of the second. He could not but think the neglect of the House to make some provision with respect to second-class carriages had been a very serious omission. He insisted that they had a perfect right to see that no causes should be allowed to operate which could be injurious to the health and safety of the people. He asserted, without hesitation, that there were no class of carriages so injurious to the health of the people as the second-class carriages, as they were now fitted up. He believed that more diseases and more illness had been created by the defects of these carriages than by those of all the other modes of conveyance. He had, however, letters from various quarters complaining also of the inefficiency of third-class carriages. It was alleged that the provisions of the Act had not yet been fulfilled, and that even if they were, though the effect might be beneficial in winter, such carriages would be intolerable in summer. Another complaint was, that they had only provided one train each day at 1*d.* per mile. One of the letters he had received was dated yesterday, from Birmingham, and it was signed "Thomas Johnson." The writer stated, that on the 5th of January, he travelled in one of the third-class carriages on the London and Birmingham line. They were covered in, and he found them comfortable. On the 23rd of January, he left London in a second-class carriage on the Great Western, which he found open at the side, and in-

ferior in comfort to the third-class upon the London and Birmingham line; the next day he took his place in a second-class carriage, which he found similar to the third-class, and miserably cold. The Grand Junction third-class carriages were most uncomfortable, the top being supported by iron stanchions, and, no divisions being made in the carriages, people were half frozen in them, in consequence of their exposure to the cold air. Another gentleman, writing from London, and signing his name "R. Kirkman Lane," made similar representations, and recommended that third-class carriages should be attached to trains at least twice a-day, morning and evening, so as to enable the poor man, whose time was his only property, to make his journey and back the same day, and in the same time, as the second-class passenger. The hon. Member then presented two petitions, one of them was from the inhabitants of Hastings, and the other from a very numerous and neglected body of the working classes throughout England, Ireland, and Scotland—the Chartists—who, in a distinct and well-arranged petition, represented that their time, health, and safety ought not to be sacrificed for the purpose of putting money into the pockets of the railway proprietors. The hon. Member concluded by thanking the House for their indulgence, and by moving for leave to bring in a Bill to repeal the Act of last Session, 7th and 8th of Vic., c. 85, commonly called the Railway Act.

Mr. *Ewart* felt the importance of every subject connected with the railway system, but he could not agree to the Motion of his hon. Friend. His hon. Friend began by referring to the constitution of the Board of Trade respecting railways. He had, from the foundation of that Board, objected to the principle of it. His hon. Friend, in the course of his observations, had alluded to the possibility of adopting the foreign system of taking tenders from different companies for the formation of railways; but that was a system which, although it might do very well in France, he did not believe would succeed in this country. He had always entertained the conviction, since the establishment of the Railway Committee, that recourse should not be had in the first instance to any branch of the Government; if a Board was to be formed at all, it ought to be subsequent, and not anterior to the Committee in Parliament. The first point to accomplish was, to reform the Parliamentary Committees. Let them be constituted of a

small number of Members,—five had been named last Session,—and let those Members be impartial and independent, and if any question arose requiring the solution of scientific men, let them be called in to assist, but not to interfere. If any question arose involving the necessity of postponing the Bill before them to the next Session, let the Committee defer it, but in no case let the Government be called in, for its interference was at variance with the principle of legislation adopted in this country. His hon. Friend had alluded to the possibility of competition, first by railways, and secondly upon railways: that was, the running of carriages upon the same railway by different companies; and he had referred, as a case in point, to the Grand Junction, and Liverpool and Manchester Companies. The hon. Member must recollect, however, that the trains to which he referred were run in conjunction, for which purpose the two companies had an agreement; and therefore his statement did not establish the fact of its being possible for competing trains to run upon the same line. Such a position, indeed, was completely fallacious; there was no authority for it, and in practice it would be found utterly impossible. The only trains belonging to different companies which now ran upon the same line were run, not in competition, but in concurrence. A third point to which his hon. Friend had alluded, was the policy of reducing the fares by railway; and he believed that all the evidence before the House confirmed the conclusions of his hon. Friend upon this subject. The last Report of the Grand Junction Company exhibited a similar conclusion; for in it the directors stated that whilst they had lost something in first-class passengers by a reduction of fares, and also upon the second-class, they had greatly profited upon the third class; and he firmly believed that the greatest advantages would be gained by consulting the interests and convenience of the largest mass of consumers. On this point he was clearly of opinion with his hon. Friend, but he himself last year, when his right hon. Friend the then President of the Board of Trade introduced his Railway Bill, felt the most ominous forebodings with regard to the Board then constituted for the regulation of railways. It was an observation made when the Board was formed, that it would be ridiculous to suppose that any good could be procured by it, that the last thing requiring regulation was trade, and now he

ventured to say, that the last thing requiring regulation by a Government Board, was traffic. He ventured to predict, that the Railway Board would not stand. It was impossible. If any board was to be constituted it should be a board of reference, rather than one of government, a board of consultation rather than of interference.

Viscount *Howick* : I rise, Sir, with no intention of supporting the Motion of the hon. Member for leave to bring in a Bill to repeal the measure of last Session; on the contrary, I think the Bill, as far as it goes, is, upon the whole, a good one; but, at the same time, I do concur with him in his opinion that it is of the deepest importance to this country that we should take measures to secure to the public the advantages of greater cheapness of railway travelling; and I believe, with him, that hitherto our measures have been defective for that purpose; that the public does not derive that benefit from this invention which it ought to obtain; and I also feel that this present Session is an opportunity which cannot be lost for looking into this subject without very great inconvenience. A multitude of Bills are about to be brought before us; and before those Bills are disposed of—before we create new vested interests and new rights, we ought to consider seriously what are the measures it is in our power to adopt in order to secure to the public the greatest amount of accommodation from those railways. The hon. Member for Dumfries has stated that all that is required is to improve the constitution of the Parliamentary Committees to which Railway Bills are referred. No doubt this is one of the great points to be attended to; and the noble Lord opposite (Lord G. Somerset) has already this evening moved for the appointment of a Committee to consider how that object may be attained. But while I admit that it is of great importance to improve the constitution of the Committees to which these Bills are referred; at the same time, I own I am not sanguine as to the possibility of providing, by any reform of these tribunals, a satisfactory mode of disposing of the immense mass of business of this description which is to come before Parliament in the present Session, unless some greater change is adopted than has been hitherto suggested. It appears to me that the evil is this, that whether it is the Board of Trade or a Parliamentary Committee that is to decide on these questions, they have to dispose of interests of too

enormous an amount. Whilst the competition of conflicting railway companies is so excessive, and the gain or loss by passing one Bill, or rejecting another, so enormous, my conviction is that no tribunal you can establish can deal satisfactorily with questions of that magnitude. Consider what it is you have to do. You have to determine not merely what is the best line of communication for the public, but you are also to determine which of two or three or more conflicting companies is to have the benefit of constructing this line. We know perfectly well that to be allowed to make a railway is an immense advantage; that the mere fact of any particular line having the sanction of Parliament will lead to large premiums being given. 20*l.* or 25*l.* shares, on which 30*s.* or 2*l.* have been paid up, have been sold at a premium of 16*l.* or 18*l.*, or even for greater amounts; that is, the parties are ready to pay two-thirds of the whole amount of capital proposed for the railway, in addition to what is required for the execution of the work, for the mere right of executing it. Now, I do not think it is possible, when the decision of a Parliamentary Committee is, in point of fact, to give an immense sum of money to the favoured company, that that decision should be come to in a manner to give satisfaction to the public; for, remember the point to be adjudicated upon: it is not a question of fact, or of law, or of right, in which any certain opinion can be arrived at; but it is a question of mere public convenience in which different and conflicting advantages and reasons are to be weighed against each other; so that in all probability no two Committees could arrive at the same conclusion with regard to any considerable number of the competing lines. When such a question as that has to be disposed of, I believe it is impossible to create any authority to dispose of it, on which there will not be brought to bear influence, favour, money, or money's worth. This will happen, or it will be thought to have happened; because we all know in Parliamentary Committees to what an extent canvassing is carried. I firmly believe that that is an inconvenience which it is impossible to avoid, so long as the two questions are united, "What is the best line of railway?" and "Who are the parties to execute it?" Therefore, it appears to me, that something is to be gained in this matter by looking at the example of a

neighbouring country. In France, in such a case, the first point determined on is, "what is to be the line of railway," without considering the claims of any particular company. Their attention is directed to the sober and dispassionate consideration of the best line for the public. When that is determined on, the next step is to call on capitalists to send in their tenders to say on what terms they propose to execute that line. Now, why should not we adopt a similar line of conduct? I would trust either the Board of Trade, or a Parliamentary Committee of five or six impartial Gentlemen, or, perhaps better still, professional persons, going to the locality, and examining the ground on the spot, to determine as to the line. I would trust implicitly any impartial authority of this description to lay out the line of railway, provided their decision did not confer the right to make that line on parties to be benefited by it. If the question be merely to decide "which is to be the line?" having none of these great pecuniary interests involved in the decision, then I believe you might trust that question to impartial and scientific authority. Having got your line laid out in this manner, the next step would be to call on rival companies to send in their proposals. As to the mode of making the lines, and the shape in which proposals should be called in, I agree with the hon. Member for Greenock that the principle of tender might be acted on; that is, if a company were interested to make a particular line, they should state what rates of fare they would charge, at what speed they would travel, how many trains they would send each day along the line, and, in short, the extent of accommodation they would afford to the public, and at what cost? Having got these tenders, nothing could be more reasonable than to give the construction of the line to the company which offered to make it on the best terms for the public. It appears, that by adopting some such scheme as this, two great advantages would be obtained; in the first place, it would get rid of the main difficulty of disposing satisfactorily of disputed railway lines. I am persuaded, as I have said before, that if you were only considering which is the best line through the country, without having any enormous pecuniary interests involved in the consideration, that this question might be dispassionately and impartially considered; and, in the next place, I think there would be the further advantage, that you would secure to the public

very much cheaper railway accommodation than they could obtain by any other means. As an illustration of my argument, let me point out to you how such a system would work, as compared with what is now doing on some of the great lines that are projected. The House is aware that three different lines are projected from London to the north, terminating at York. Three different proposals of that kind are now before the public; and it is understood that which ever of these companies shall obtain the preference, and shall get its Bill through Parliament, the moment the Bill shall be passed, the shares will sell at some 20*l.* to 25*l.* premium. That is the very lowest. That is to say, that the decision in favour of any one of these companies puts into the pockets of one set of men or another, a sum varying between 1,000,000*l.* and 2,000,000*l.* sterling. Now, is it possible, when there is a gratuitous boon to companies to this extent, that any parties should be trusted to grant it? or that the authority, be it what it may, which has such a gigantic boon to dispose of, will not be blockaded on all sides by applications and influence? In the mean time, too, you have all the immense disadvantages of gambling in shares going on throughout the country. I am told that this gambling is now going on, not only in London, but in the great towns of Manchester and Liverpool, to an extent that is absolutely frightful, and which is demoralizing to the country. And if a Bill passed through Parliament in favour of any one of these companies, after all this inconvenience the public is left at the mercy of the company, which may charge such a rate of fares and make such regulations as it finds best calculated to promote its own interests. Now, suppose you take another course, and say, "We will not decide in favour of one or another company, but will decide in favour of some line to York." Having chosen your line, suppose you call for public tenders from competing companies for the execution of the line. The various companies will bring in their tenders, stating the rates of charge at which they are prepared to carry passengers and goods, the number of trains, the rate of speed, and the description of accommodation which they are prepared to afford. These tenders are opened in the face of day, and before the public, and the best offer is accepted. There is no room for jobbing; and that spirit of competition which now finds a field for its display in the share market and in gambling,

would find its exercise in the bidding of rival companies over each other as to the amount of fares they would charge to the public. It is perfectly clear, from the premiums offered for shares in these great undertakings, that companies could afford to make these lines of railway, and to carry the public at much cheaper rates than they now do: for what are the facts? I will suppose a Bill passed for constructing a line to York. The capital required would be somewhere about 5,000,000*l.* or 6,000,000*l.* sterling. Now these shares, we know, will immediately rise in value from 40 to 50 per cent.; that is to say, the new shareholders would be willing to pay down—taking the capital required to be 5,000,000*l.*—7,500,000*l.* Of course, therefore, they calculate, that though the work will only cost 5,000,000*l.*, yet they may, at the rates of charge they contemplate imposing, derive so large an income as to pay the average and fair profit on 7,500,000*l.* But if that is the case, it follows that they could afford a large reduction of fares, if they only required to get a fair profit on the amount of capital actually invested in executing the work. If no premium is to be paid—if they have only to get a profit on the expenditure of 5,000,000*l.*—in that case they can afford a considerable reduction of fares; and that reduction, in my opinion, will be very large; because we know that the actual cost of the conveyance of passengers on railways is infinitely smaller than the fares which are charged; and we know that a considerable reduction of fares often makes scarcely any reduction, sometimes no reduction, in the profits of the companies, because of the increase in the number of passengers. Therefore, if a company calculated the lowest fares it could charge in order to get the construction of a line of railway, there can be no doubt that a very large reduction in the rate of fares might be accomplished. There is also this further observation to be made,—if we were to apply this principle in the present Session of Parliament to the new lines of railway about to be constructed, we should not only cause them to carry passengers very much cheaper than otherwise they would do, and induce them to give much greater accommodation to the public than otherwise we could expect, but we should, in the most legitimate manner, apply to existing companies a compulsion against which they would have no means of struggling, and which would force them to reduce their fares in the same ratio;

because it is perfectly obvious—from the network of railways which exists, that they are all more or less competing lines; and if the large number of new lines which we shall probably authorize during the Session are constructed at very low rates of fares, their competition will in a very short time bring down the rates of fares on the old railway lines. I think this a much more legitimate way of bringing down the rates of fares, than that enacted by the Bill of last year, and that it will be much more effective. I know it will be said that I advise the House to adopt a system which is adopted in France; and it will be asked, “How can you give advice like that, when, as compared with the progress of railways in this country, France has fallen far behind; whilst, on the other hand, what has been accomplished in England, in a few years, in railways, is absolutely marvellous?” This is no doubt true; and I have no doubt in the early stages of railway enterprise, such a system as the one I propose would not have been proper. When railways were regarded as speculations of great hazard and of doubtful result, it was necessary to give a greater amount of return to stimulate enterprise than can be afforded by such a system as I propose, in order to make the construction of railways advance with the necessary facility. But circumstances are now greatly changed. Now, instead of stimulating the eagerness of enterprise, on the contrary, it is desirable to moderate it. Parties are only too eager, and in too great a hurry to rush blindfolded into these speculations. A sort of mania has seized the public, which it is of importance to the national interests that we should endeavour to moderate and check. I believe, by the course I propose, you would so moderate it; and if you were to deal with railway companies in the manner I have now suggested, you would have a means which you cannot have by any other course of proceeding of satisfactorily disposing of the railway business before you in the present Session. I know that this is not an occasion to enter into a subject so large and important as that before us; but it is my conviction that it is not only one of importance, but of extreme urgency—one on which we have not a moment to lose in thoroughly looking into and investigating. We must determine what course to take before these Railway Bills go much further. There is another observation I wish to make. In the first place, I wish to notice one or two difficul-

ties. It will be said, in the first place, that it is unjust to particular parties, who have displayed their ingenuity in laying out a line, that the execution of that line of railway should be taken out of their hands. It would be most unjust if they were not properly remunerated for what they had done; but at present they have no claim whatever. These infant companies, not yet created by Acts of Parliament, have no rights or claims whatever upon us. We are perfectly at liberty to create them or not, and it is perfectly open to us to say, "The line shall be made, but we do not determine that you shall be the makers of it. You shall be well paid for laying out the line: we adopt your plan, you shall be well paid for what you have hitherto done, but you have no right to be intrusted with the making of it. Impartial authorities shall consider the amount of expense incurred in laying out the line; that charge being ascertained any company that takes the line to make, that charge shall be the first thing they have to pay before they commence the construction of the line." In this manner justice will be done to the projectors who may bring these various schemes before Parliament, and they might be rewarded without abandoning the scheme I propose. Another difficulty which will be urged is this: it will be said, that though the plan I have suggested might be adopted where lines are proposed to be carried by new companies through parts of counties hitherto deprived of that convenience, you could not act on this principle when the proposals on which you have to judge are feeders, or branch lines of existing companies; where a struggle is going on between existing railways to carry their branches into tracts of country not yet connected with either. I am aware you cannot exactly apply the principle to these cases, which would rather apply to the entirely new lines of railroad; but, at the same time, to some extent, you might apply the principle to these branch lines or feeders. I would do it in this way,—by calling on existing companies, when they bring in their proposals, to insert in their Bill clauses naming the rates of fare they propose to charge. This course was adopted in one of those Select Committees last year on competing lines of railroad on which I had the honour to be a member. I was almost compelled to serve last Session on one of those small Committees to decide between two conflicting projects of lines of railway. When we proceeded to

consider their acts, we felt extreme difficulty on a point on which we were called on to judge; and all the members of the Committee unanimously agreed that one main thing for us to consider was which of the two companies offered the best terms to the public; and I was instructed by the Committee, as its chairman, to make an intimation to the counsel on both sides, that we wished to know whether there were any objection to put in the specific tables of fares they proposed to charge. The counsel on neither side made any objection: they both put in their table of fares. One company proposed a very much lower table of fares than the other; and I do not hesitate to state that it mainly influenced the decision of the Committee. But having got at the table of fares, we took care to make the clause enforcing it considerably stricter and more binding than the company had done. I cannot help thinking that a similar principle might be carried out with existing companies coming with competing lines before the House, and asking to bring a section of the country into the one or other existing lines of railroad. I would rather adopt this plan, because, I believe with the late President of the Board of Trade, that the public cannot really obtain the benefits of competition by creating two lines of railway. The competing lines will probably carry on a ruinous competition for a certain time, and then come to some mutual understanding injurious to the public. The time for competition is before we pass the Bill. That is the principle on which the House ought to act. I hope and trust that this Session we shall pass no Bill without strictly looking into the table of fares; it is extraordinary to me how long we have omitted to do so. In every Railway Bill the Standing Orders require the rates of toll to be mentioned. These orders were passed when it was supposed that there might be a competition on each line, and that parties other than the company might carry and ply on it. That is found to be impossible, and these clauses as to the rate of toll are so much waste paper. But the object Parliament had in view in imposing these limits as to the rates of toll was a good object, and one which we ought to find some other means of carrying out, now that that plan has failed in effecting it. The only substitute which I believe it is in our power to provide is a strict limitation, not only of the rates of tolls, but also of fares, at which each of the

companies authorized by Act of Parliament shall carry on the traffic of the lines. I hope that the suggestions I have made will meet with some consideration from the right hon. Gentleman opposite, because I am persuaded that the attention of the House and of the public is not yet sufficiently drawn to the importance of the subject, and the extreme difficulties with which we shall have to contend during the present Session, if we persevere in merely following the beaten track. How we shall be able to deal with the 248 Railway Bills of which the hon. Member talked, unless something of the kind I have suggested should be adopted, it passes my comprehension to conceive. On the one hand, it seems to me impossible—and I am glad to find that the Government concurs with me in the idea—that the Reports of the Board of Trade should be accepted as conclusive; and if not accepting them as conclusive, I inquire, on the other hand, how is Parliament to constitute Committees which shall deal satisfactorily with all these projects, when such immense pecuniary interests are concerned? As a number of Committees would be required, where are the impartial Members to be found, and how are counsel to find time for the proper discussion of all these railway projects, both in this House, and in the House of Lords? And, let it be observed, it will not do to put the matter off. It is of importance that the really good measures should not be deferred beyond the present Session. I know that some Gentlemen have said that the difficulty is so great that the only thing they can suggest is to postpone all railway legislation for a Session. I deprecate such a course of proceeding, than which there could be no greater misfortune to the country. What would be the result if such a course were adopted? An immense amount of capital has been set apart for the execution of these works, and what an inconvenience it would be to the country if this capital should remain locked up, or, if parties having their patience worn out, and not choosing to wait for the tardy proceedings in Parliament, should, as I fear would be the case, employ the capital on speculations of another kind, embark in wild schemes, and probably take their capital altogether out of the country. Therefore, we cannot defer legislation with respect to railway projects until after this Session; whatever the difficulties connected with the subject may be, and I admit that they are almost overwhelming, we must deal with them; and it is from this considera-

tion that I have thought it right to take the opportunity afforded by the present Motion to throw out my opinions for whatever they may be worth. They may possibly suggest something to other Members, and thus, perhaps, a proper course may be struck out amongst us. It is with this view that I have ventured to make these observations to the House; and I do most earnestly recommend this subject to its most serious consideration.

Colonel *Sibthorp* said that it was seldom his good fortune to agree with the noble Lord who had just addressed the House; but on this occasion he highly approved of what had fallen from him. Still he wished to ask the noble Lord why he had delayed these suggestions and recommendations to the eleventh hour? Would it not have been better if they had been introduced at an earlier period, when the railroad mania first commenced? He had agreed with the noble Lord that there would be extreme difficulty in finding impartial Members to compose the Committees on these railway schemes. He should be glad to find these questions capable of being brought before impartial men. Doubting the possibility of this, he the other night asked how far the five gentlemen who constituted the Sub-committee of the Board of Trade—with their *clausis foribus*, and deciding on *ex parte* statements—could be considered impartial, what knowledge did the House possess as to the connexion of those gentlemen with railway schemes? Nay, he would ask whether the noble Lord himself (Lord Howick) was totally free from any connexion with railways? As far as he (Colonel Sibthorp) was concerned, he could assure the noble Lord and the House that he was a totally disinterested party. He had no share, nor would he have a share in any railway. He had many reasons for this, but one reason above all was, that he might be able to act as an impartial juror if called upon by the House to give a decision upon any question connected with railways. If, however, he recollected rightly, certain letters had passed between the noble Lord and a Mr. Hudson, respecting certain railway transactions. Mr. Hudson was a gentleman who had made a great deal of money by railways, and he believed was likely to make a great deal more. If he (Colonel Sibthorp) mistook not, a correspondence had passed between that gentleman and the noble Lord, in consequence of some objection against a particular railroad going a little too near to Howick Hall. This was not an uncommon case. He re-

membered in 1836 being very much pressed by certain parties to oppose a Railway Bill, on the ground that it came too near to their property. And yet these were the very men who were the first and foremost to recommend another measure of the same kind; and why? Because it did not touch their property. But he (Colonel Sibthorp) did not suffer himself to be influenced by any of these appeals; he gave his vote from one feeling alone, namely, upon what he thought to be the best for the country, and especially for the county which he had the honour to represent.

Mr. *Gisborne* said, that although in the last Session of Parliament he was opposed to the Railways Bill which was then passed, yet he could not now go the length of his hon. Friend (Mr. Wallace) who brought forward this Motion. That Bill was very much impeded in its progress, and strongly contested, and it was at last passed by a sort of compromise. He believed, that although it might not have produced all the good which was expected from it, yet at the same time he thought it had done very little harm; and it would now be impracticable to interfere with the Bill. He had listened with great attention to the able statement made by his noble Friend (Lord Howick), who had given a very vivid description of the difficulties in which the House was involved in deciding between questions affecting concerns in which immense sums and large interests were at stake. But, however great the question and vivid the description, it afforded no index whatever as to the means for facilitating and devising a remedy. There were three railway schemes for lines between London and York. Suppose the noble Lord's suggestion should be adopted, and one of those lines only should be sanctioned, what compensation did the noble Lord propose to make to those who devised the chosen line? and what was to become of the two other schemes? The noble Lord would take advantage of all the expense which the parties had been at before the plan had been submitted to the Board of Trade, and then, perhaps, abandon the line altogether. But suppose none of the three projects should be adopted by Parliament, and that Parliament should decide upon a more direct line than any of those projected, how would the parties whose money had been expended be treated then? One word about the deciding upon a proper line by the Board of Trade. The House might depend upon it that it was most difficult for any body of men to come to a

decision between line and line, where the merits rested solely on local circumstances, which none but persons locally acquainted with the lines could properly judge of or point out. That he really thought was an objection which the noble Lord could hardly get over. If it could be conquered, then he was inclined to think that there would be a great attraction given, as far as the public was concerned, to the scheme of the noble Lord, of offering the formation of railways to the highest and best bidder. The remarks which the noble Lord made had not altered his opinion, that any scheme must prove abortive which would take the management of railways from individuals and place them in the hands of Government. It was impossible that either Government or Parliament could make provision for all the contingencies that must necessarily arise in the formation, management, and carrying on of the various railways that already existed, and would, necessarily hereafter be established in this country. He thought that the effect of the principle of competition in the long-run would produce the same benefit to the public as that which the noble Lord anticipated from a Governmental management. He believed that the general reduction of fares had been attended with a general increase of profits. The Grand Junction Railway promised that it would give the utmost possible accommodation to the public, and that whenever their profits came above a certain amount they would give the advantage of it to the public by a reduction of the fares. This the Company had strictly fulfilled; and the House might depend upon it the same principle would actuate all companies if the competitive system were allowed to have free operation. His hon. Friend (Mr. Ewart) had said that the Bill of last year gave to the Board of Trade no powers whatever. The first powers which were given to the Board of Trade with respect to railway legislation were by an Act of 3 and 4 Victoria, chapter 95. These powers were extended by the 5th and 6th of Victoria, chapter 87, and a later Act directed that these two Acts should be construed together. In the first place these Acts directed that no railway should be opened until a month's notice was given; and it then empowered the Board to suspend the opening from month to month. It empowered the Board to appoint inspectors to examine the railways, to enact by-laws, and direct prosecutions to enforce the provisions of the law, to revive expired powers in case

of the public safety requiring it, and so on. By the Act of last year, the Board of Trade in respect of the penny-a-mile trains, was empowered to regulate the hours of starting, and further extensions were given to their powers as to the appointment of inspectors, and the originating prosecutions, for the purpose of carrying out the provisions of the Act. These were the whole of the powers of the Board, and these powers had been given them by Act of Parliament. In the last Session the House certainly adopted Resolutions which imposed duties and gave new powers to the Board of Trade. In the first place, the House resolved :—

“That, in the case of Railway Bills, if any Report made under the authority of the Board of Trade upon any Bill, or the objects thereof, be laid before the House, such Report shall be referred to the Committee on the Bill.”

There was nothing in this Resolution to prevent any Bill coming before the Committee becoming law, whether the Board of Trade authorised it or not. The House then took away from the Committee the power given by the 11th section of the Standing Order, No. 87, to report specially

“Whether any and what competing lines of Railway there were existing, and whether any and what were in progress or contemplation, and to state, so far as circumstances would permit, in what respects the proposed line was superior or inferior to the other lines; but that no line of Railway should be deemed a competing line in contemplation, unless the plan, section, and book of reference for the same should have been deposited as required by the Standing Orders.”

The House then resolved :—

“That, in the case of a Railway Bill, the Committee report especially, whether any Report from the Board of Trade in regard to the Bill, or the objects thereby proposed to be authorised, has been referred by the House to the Committee, and if so, whether any and what recommendations contained in such Report have been adopted by the Committee, and whether any and what recommendations contained in such Report have been rejected; and, in case the line or lines be stated in such Report to be a competing line or competing lines, the reasons which have induced the Committee to recommend the adoption or rejection of such competing lines, or either of them.”

The next Resolution was :—

“That in the case of Railway Bills, a copy of all plans, sections, and book of reference, required by the Orders of the House to be de-

posited in the office of any Clerk of the Peace or Sheriff Clerk, on or before the 30th day of November immediately preceding the Session of Parliament in which application for the Bill shall be made, shall, on or before the same day, be deposited in the office of the Railway Department of the Board of Trade.”

The last Resolution was :—

“That, in the case of Railway Bills, a copy of every Bill annexed to a petition be deposited in the office of the Railway Department of the Board of Trade, on or before the day of presentation of the Petition to the House.”

This was all that was determined by legislation, or by Resolutions of the House, as to the powers to be exercised by the Board of Trade. Then came the Minutes of the Board of Trade, which were not pretended to be founded upon any Act of Parliament, or upon any Resolutions of the House, but they were based upon the authority of certain Resolutions which were passed in a Select Committee of the House last year, but which were not adopted by the House itself to any greater extent than that which he had just read from the votes of the 19th of July, 1844. The Board of Trade took for their authority the third section of the fifth Report of the Select Committee of the House of Commons on Railways (1844), which ran thus :—

“In recommending, therefore, that Railway Bills be submitted to the Board of Trade previously to their coming under the notice of Parliament, the Committee conceives that that Board (or such other public department as may be entrusted with the care of railway matters), might advantageously examine these Bills, and also these schemes themselves before they had assumed the form of Bills, with regard mainly to the following subjects—

- “1. All questions of public safety.
- “2. All departures from the ordinary usage of railway legislation, on points where such usage has been sufficiently established.
- “3. All provisions of magnitude which may be novel in their principle, or may involve extended consideration of public policy. For example: amalgamations and agreements between separate companies; extension of capital; powers enabling Railway Companies to pursue purposes different in kind from those for which they were incorporated; modifications of the general law.
- “4. Branch and extension lines in cases where, upon the first aspect of the plan, a presumption is raised that the object of the scheme is to throw difficulties in the way of new, and probably legitimate enterprises.

“5. New schemes, where the line taken presents a strong appearance of being such as to raise the presumption that it does not afford

the best mode of communication between the termini, and of accommodating the local traffic.

"6. Cases where a Bill of inferior merits may be brought before Parliament, and where a preferable scheme is in *bonâ fide* contemplation, although not sufficiently forward to come simultaneously under the judgment of Parliament, according to its Standing Orders.

"7. Any proposed arrangements with subsisting companies which may appear as objections to new lines.

"The adequate and satisfactory discharge of their duties would entail upon the Board of Trade a great additional amount of labour and responsibility: and it is the opinion of the Committee, that if the recommendations of this and of its other Reports should be adopted, it would be necessary to enlarge the Railway Department of that Board, and to improve its organization. Upon these grounds, and with these intentions, the Committee have come to the following resolution: 'That it is expedient that all Railway Bills should henceforward be submitted to the Board of Trade previously to their introduction into Parliament; and that the various documents and other requisite information connected with each project, and, if necessary, copies of the plans and sections of the line, shall be lodged at the office of the Board of Trade, at such period as may afford sufficient opportunity for their examination.'"

These were the recommendations of the Committee, and these were adopted by the Board of Trade. It was remarkable that, in reading these recommendations, the Board of Trade omitted to read a passage which stood exactly in the middle of them. No person could have expected that the Board of Trade would have put forward such curt and imperative Reports as they had done. [Sir Robert Peel: It is merely a Minute, and not a Report.] Well, it might be a Minute. The Committee of the Board were directed, by the Lords of the Committee of Council, to prepare a Minute, and publish it in the *Gazette*. Now, he (Mr. Gisborne) did not find in any of these documents, either in the Acts of Parliament, or in the Resolutions of the House of Commons, anything that authorised the Board of Trade to put a Minute in the *Gazette*, stating that they would report in favour of such a Railway or against such a Railway. He thought this a most extraordinary power to be exercised by three Lords Commissioners of the Board of Trade. The Report of the Select Committee of the House of Commons stated—

"It is the opinion of the Committee that such Reports should on no account be regarded in any other light than as intended to afford to Parliament, firstly, additional aid in the

elucidation of the facts by the testimony of witnesses competent by knowledge, habit, and opportunity, and officially responsible; and, secondly, recommendations founded upon such elucidation; that their purport should be, not in any case to give the absolute advice that a given Railway should be made, but to state whether or not there were public reasons which ought, in the opinion of the Department, to be decisive against it, or whether it ought to be postponed until its merits could be examined in connexion with those of some other scheme, or which of the two or more contending schemes appeared preferable, in the event that only one should appear likely to receive the sanction of Parliament. And in particular it is the judgment of the Committee that no such Report should be held to prejudice the claims of private persons, the examination of which should be altogether reserved to the Houses of the Legislature."

The Lords of the Council then proceeded to appoint a Sub-committee of the Board of Trade, to whom all Railway Bills were to be submitted previous to their introduction into Parliament. The Minute of these proceedings of the Lords of the Committee of Privy Council for Trade, were not laid on the Table of the House until the 7th of August, when most hon. Members were gone home, or were anxious to go home. This Sub-committee of the Board of Trade being constituted, they proceeded to execute their duties in conformity with the directions given to them. He must say that great injury and great injustice had arisen to the public in consequence of the way and manner in which this Sub-committee of the Board of Trade had been directed to proceed. With hon. Gentlemen sitting in the House of Commons, the Minutes published by that Sub-committee might not have much weight; but when those Minutes came before the public at large, with all the authoritative circumstance of an official publication in the *Gazette*, setting forth that the Committee of the Board of Trade had determined to report in favour of one certain railway, and against another certain railway, he might venture to say without exaggeration that 99 out of 100 out of the House supposed that the Government as a Government would support the decision of its own Board. If he had been asked the question he should have felt it extremely difficult to have said that the Government would not have felt bound to support a decision of its own Board. It was true that on the very first night of the Session the right hon. Gentleman (Sir R. Peel) dissolved that notion, and stated, as he had

done before, that the Government would abstain from taking any part in the matter ; and he had no doubt that that statement would restore confidence to the country. But unfortunately these Reports or Minutes of the Sub-committee of the Board of Trade had produced very ill effects in the country before the salutary statement of the right hon. Gentleman went forth. Men who had paid up 2*l.* and 5*l.* a share, preferred making a sacrifice of every shilling rather than adhere to a scheme against which the Sub-committee had made its Report, the effect of which was to reduce the shares to a discount ; while, on the other hand, persons had been induced to take shares in other companies by reason of the Sub-committee having intimated their intention to report favourably of such schemes. The way in which the Sub-committee had been directed to make their Reports in the *Gazette*, had caused more gambling than anything he ever recollected in his life. Coming forth, as those Reports did, in the *Gazette*, was like the coming off of a great race ; but with this difference, that everybody knew what was the result of the race, whereas, in the case of the railways, only a certain few knew anything about it. They were told, indeed, that the Committee were bound to secrecy ; but it was known that where nine or ten people had a knowledge of any particular fact, it was impossible to keep it a secret. Some people told their wives everything ; others often lost their memorandum books ; while some men would talk in their sleep. There were a hundred ways by which such facts became known. Extraordinary coincidences would always cause extreme suspicion. For his own part, he was free from any imputations of the kind, for he had never either bought a share or sold one ; but certainly he had heard of circumstances which threw a suspicion upon a Government Board, which he was sorry to see. Unless, therefore, some very great advantages were expected to arise from the present system pursued by the Sub-committee of the Board of Trade, he did not think it was worth while to subject a public Board to such suspicions. There were immense opportunities and great temptations, and under these circumstances it was extremely difficult indeed to convince the public that there had not been from some cause or other false dealing. But the greatest imputations were thrown upon the Board of Trade in consequence of the Reports which had been published in the

Gazette. He was very doubtful as to the advantages which were to be derived from the publication of these Reports. As far as the Committee of the Board of Trade gave reasons for their recommendations, he should treat them with respect ; but he did not think that with the very limited means they had at their disposal, they could form any accurate judgment upon the merits of the 248 railways in England, Scotland, and Ireland, which was about the number it was said would come before them ; or that their opinion would be entitled to much consideration. At all events he did not think they were able to form an opinion of sufficient value to induce the House to tolerate the very great evils which accompanied the mode of proceeding which, without any Parliamentary authority, they had adopted. In his opinion, these Reports of the Board of Trade were more objectionable when they reported in favour of any railway than when they reported against any line. He could understand why the Board, for want of accurate information, and from that cautionary spirit which ought to regulate their conduct, might report against a certain line of railway, but that after hearing only an *ex parte* case they should report in favour of a given railway, was, in his opinion, a great hardship on private parties, and on all concerned in that particular scheme. A Report either way was objectionable, but certainly he considered a Report in favour of any line more objectionable than if it were against it. He hoped that the Government would take into consideration whether the advantages attending the existence of such a Board, making Reports in the way they had hitherto done, would compensate for the very great disadvantage, and injustice, and sacrifice of property, it had entailed on the country. He should be glad to hear that some other less objectionable course was adopted, and mainly to correct this unwarrantable assumption of power of the Committee of the Board of Trade, which, he was convinced, had never been intended by the Legislature. It had been productive of unlimited and unmixed mischief. He should be happy if the noble Lord (Lord G. Somerset) could discover some mode of relieving Railway Committees, who certainly would endeavour to shift the onus of decision upon some other party ; and this very circumstance would tend to give additional weight to the Reports of the Committee of the Board of Trade. If those Reports were found to decrease the

attention to railway schemes by Committees of this House, that of itself would be an evil of considerable magnitude. He regretted that he could not support the Motion of his hon. Friend.

Mr. *S. Wortley* understood the hon. Member who had just sat down to complain of the effect of the publication of the Reports of the Committee of the Board of Trade upon speculation in railway shares; and he doubted whether in that respect the regulations were not disadvantageous; he doubted whether it was expedient to publish the result of the inquiry before the Report was made to Parliament. Looking at the immense number of speculations, he had thought that some such inquiry by an official tribunal would have promoted public confidence, and assisted the House in its decision; but publishing their determinations was necessarily productive of the evils stated by the hon. Member for Nottingham. It was to be borne in mind, however, that this mischief was already done—that the consequences could not now be avoided; but as to the other part of the question, it was impossible not to feel that it pressed extremely on the attention of Parliament. He alluded to the mode in which the House should deal with the mass of projects to be brought before it. That was a matter of the utmost urgency. The noble Viscount (Viscount Howick) had made a speech on the best mode of securing the public interests; but he feared that his plan was liable to one objection, which alone rendered it inapplicable to the present occasion, viz., that it was so entire a change in the whole system, that it would require much more extensive organization than the House at present could give to it. The hon. Member for Nottingham (Mr. Gisborne) had said that where there were competing lines it was necessary that Government should first ascertain which was the best, and then require tenders for the completion of it; but, in truth, a great deal more must be done. Government might determine which of two lines was the better; but that which seemed the better of the two might not really be the best—a third line might be found better than either, or that third line might be compounded of parts of the two former. The scheme of the noble Lord might present some great advantages; but he had himself admitted that it was by no means desirable that such a vast mass of speculation should be deferred until another year. Yet, if the noble

Viscount's plan were adopted, it must necessarily be deferred. But then arose the question, what it was possible for Parliament to do? It was in immediate expectation of having a great quantity of business of the kind, and it was very ill furnished with means for the emergency. The best thing the House could do was to consider well the mode of constituting Committees, and of facilitating business before those Committees. That was the utmost it could hope to accomplish in the present Session, and a Committee to consider the subject had already been appointed. He would willingly see some better machinery provided for the purpose, but he was not at present aware of any means of doing so on this occasion, which would be preferable to those adopted by the House.

Mr. *Warburton* expressed his concurrence in what had been said by the noble Viscount, respecting the danger of sending capital out of the Kingdom, to be employed upon railway schemes less advantageous than many of those promised to be. It was material, therefore, not to discourage enterprises in this country which seemed to offer a beneficial investment. He had listened to the project opened by the noble Member for Sunderland, and the fault of it seemed to be that it would be impracticable. First, engineers were to survey the country; they were to reject the disadvantageous, and to select the advantageous line; then the line was to be laid before Parliament, after which Parliament was to take the matter into its own hands, and to constitute a Company to carry out its own plan. Another part of the proposal of the noble Viscount was this—that after the line had been decided upon, the Company was to go before some other body, and tenders for the execution of the work having been made, the cheapest was to be adopted. This course would occasion some sort of a moral obligation to give to the Company a monopoly for a term of years, and that monopoly would prevent the adoption of those improvements which must constantly be made, until we had arrived at the utmost perfection of railway construction and travelling. He was opposed to any such power being given to Government; and he was persuaded that if railway communication had been left to Government only to this day, we should not have had a single line in operation. After having beaten down the Company to the lowest, a term of years must necessarily be conceded to them; and yet it might turn out

before long that another line ought to have been taken, and that the public convenience required a different line. If a different line were sanctioned, would not the Company come forward and complain of a breach of contract and of injury to their rights? There ought, in fact, to be no rule but the rule of competition. Circumstances might arise, requiring the establishment of a new Company, and yet upon the plan proposed by the noble Viscount, the Legislature would have tied its hands, and no other but the old bad line could be adopted. Whatever might be the course pursued in foreign countries there could be no doubt that combinations and amalgamations would take place in this Kingdom; but in due time new companies would start up to abate the evils of the old. Competition, therefore, after all, was the best remedy, and the opinion of no Committee ought to go for more than it was worth. There was a danger of making the Committees too limited, and if they were they would often not carry with them the majority of the House; for the opinion of a limited Committee would generally be disputed by Members interested in various directions. Whatever was done, he hoped that no attempt would be made to give a monopoly to any party, but that full liberty would be given to any rival Company to open a new line, if it seemed required by the public advantage.

Mr. *G. Bankes* agreed with the hon. Member who had just spoken, that the only principle upon which in this country we could hope to receive the full benefit of railroads, was the principle of competition. It was unfortunate that that Committee of the Board of Trade, which was established undoubtedly for the very best purposes, should have had the effect of checking that principle; and with reference to the county which he represented, he was certainly able to give an illustration of the mischief of it. They had had there propositions of several railways under different and powerful bodies, and he believed he might say that the proportion of the inhabitants of the county was as twenty to one in favour of the lines proposed by the South-Western Company, one of those being in the highest degree important, as it went through a part of the county where the roads were by no means so good at present as might be wished, and where there was some of the richest land, without any ready facilities of transit, either by water or land; but with reference to the new

line proposed by the Great Western, the roads there were very good, and there was every facility of transit; the other plan had also this benefit,—that in the course of time it would restore that great traffic which they had lost by means of the Great Western Railway, namely, the traffic from London to Exeter, and could save a distance of from thirty to forty miles between those two places. It was perfectly clear that if that line had been adopted, it would have been supported by the public, and the people of the county which he represented would have the benefit they lost at present from their isolated position. Again, the two competing lines of the South-Western and Great Western both proposed coasting lines; but the line proposed by the South-Western was preferable to that of the Great Western, as from Dorchester to London it saved nearly 20 miles, which in a distance of 150 miles was considerable. It was, however, not with surprise that he heard of the South-Western line being rejected, because, long before the Report was published, it was generally understood that the Board of Trade would decide, as it did, in favour of the Great Western: and it was also understood that that decision would be accompanied with a recommendation that the two Companies should combine and arrange matters between them; and that it was said had been effected—so that the consequence was, that the county he represented would get the worst coasting line, and would lose the other line entirely, because it was understood to be part of the arrangement that the South-Western were never to proceed to Exeter by any line. He could not venture to state that compromise as a fact; he could only state that which was generally understood to be the result, and that they should lose the benefit of a railway which was so many miles shorter, more direct, and had so many advantages as that proposed by the South-Western. That might be taken as an illustration of the disadvantage of the present mode of proceeding of the Commissioners. He was far from charging for a moment any person composing that Commission with having given any intelligence, or of any improper conduct whatever, and he had no doubt that such a charge if any person made it, was without foundation; and if he did not suspect persons in the higher classes he was unwilling to suspect persons in an inferior class; but, looking to the mode in which notice of their decisions was given, it

must be recollected that printers would have to be employed, that some little time would be required to arrange the Papers for publication, that they must pass through a great many hands, and in some cases there was great reason to suppose that they had come to the knowledge of the public before publication,—at least, the suspicion was so strong as to be productive of injury and prejudice. But he ventured to hope, as to the county he represented, that the better line which had been suggested and abandoned, under the authority of the decision of the Committee, would be reviewed, and that they would have the prospect not only of a line, but of the best line, and one that would restore to them a benefit of which for some years they had been deprived.

Sir R. Peel: I trust that this debate will not lead to a discussion of the merits of competing lines of railway, which the House is at present utterly incompetent to enter into. No doubt many persons are disappointed with the decisions of the Board of Trade; it may be that they have good grounds for that disappointment; but this House, upon the present occasion, is utterly incompetent to form any opinion upon the subject. Having listened to my hon. Friend the Member for Dorsetshire with great attention, I will only say, that if my hon. Friend ventures to assure the House that the Board of Trade has come to an impolitic decision, and can convince the House that there is a better line than that which the Board of Trade has recommended, and if the promoters of that better line will only go on and form their company and present their Petition to this House, I am certain their proposition will undergo full and fair consideration, because it is perfectly understood that the decisions of the Board of Trade are not to be considered conclusive on the judgment of the House. My firm belief is, that the value of the Reports of the Board of Trade will depend upon the statements and arguments by which they are accompanied; and if my hon. Friend can show that any particular statement is unfair, or any argument fallacious, with respect to the lines alluded to by him, I think that his rival plan will stand a fair chance of being adopted. I cannot but think, however, that we are undertaking to condemn rather precipitately the proceedings of the Board of Trade. That Board was appointed at the close of the last Session, with the entire sanction of

the House; and before we receive any Report from that Board, there seems a disposition, which I cannot think a wise one, to condemn its proceedings, and to advise the abolition of that Board. The Board is censured for having published its Reports in the *Gazette*; but I think it acted most wisely in so doing. After the Board had come to a decision, I think it was its duty to notify to the public, as early as possible, what that decision was. If the Board had kept the decisions entirely secret, or attempted to do so, for two or three months, whilst other railways were still under examination, there would, in my opinion, be a much greater chance of the impressions of the Board gaining publicity, of their getting into circulation, and of their leading to unfair play and undue speculation, than by the course which the Board adopted, namely, that of determining to notify to the public, at the earliest opportunity, the decisions at which it had arrived, while it reserved to itself the opportunity of stating hereafter what were the grounds upon which it had formed those decisions. I think that the members, having to take into their consideration 240 railway schemes, and having perhaps made up their minds with respect to 100 or 150 of those schemes, they would, by endeavouring to keep their decisions secret, have been much more likely to have given an unfair advantage to some individuals over others, than by the course which they have actually pursued. In the course of two or three days, we shall, I understand, have before us the Report of the Committee of the Board of Trade with respect to a certain class of railways. That Report will, I believe, be accompanied with a general statement of the principles upon which the decisions were founded; and we shall then have an opportunity of judging of the reasons, and of forming some notion whether or not it is likely that those reasons will meet with general concurrence and adoption. But it is infinitely better to postpone our judgment until we are in possession of that Report, which is expected so early, than now to discuss the subject. I do hope that the House will not come to any decision to abandon the general principle which has regulated our proceedings in respect to railways, until we are convinced by experience that that principle is not good. Do not let us decide on abandoning our present system until we know the full extent

of the existing evil. We hear of 240 Railway Bills to be considered; but I very much doubt whether, after a little discussion and consideration, that number will not be considerably reduced. Nevertheless, with that prospect before us, the wisest course for us to adopt is to appoint immediately a Select Committee. I assume that there will be a pressure of railway business in the present Session, even if the number of Bills now spoken of is reduced by 100. Let us suppose the possibility of having such a special case—that we shall have an immense number of Railway Bills—it is right to make some provision to meet that pressure. My noble Friend has already obtained the assent of the House to the appointment of a Committee, which will consist of those Gentlemen most conversant with private business, and whose opinions will entitle them to the confidence of the House. Now, I hope that such Committee will, in the first place, apply themselves to Railway Bills; they will have to deal with 150 or 100 Bills; and the Committee will, it is to be hoped, from its formation and impartiality, secure confidence in its decisions. There is a great impression, I observe, that it will be impossible to proceed upon the principles which have hitherto been followed in respect to railways; and I dare say, that the General Committee will adopt some new rule upon the subject. It may be found desirable, from the peculiar pressure of the present Session, to limit each Committee to five or seven Members; and I cannot help thinking, that if the Members of these Committees will give their constant attention,—whether they confirm the Reports of the Board of Trade or dissent from them, assigning their reasons for such dissent—the Report of those Committees will carry with them very great weight, and will have a great influence with the House. That will tend much to diminish the pressure, and thus the evil will not be found of such magnitude, that we should despair altogether of successfully dealing with it. And let us afterwards take measures to meet the evil when we have ascertained its magnitude. I think it is the duty of this House to deal with it; and suppose that we should find that we have 200 Bills brought before us, why should we not sacrifice some time by applying ourselves to it, to meet and overcome the difficulty? We should greatly recommend ourselves to the country by saying that

these are the evils we have to deal with and we will deal with them in such a manner as to show that we are not unworthy of the confidence reposed in us. For, after all, appoint as many tribunals as you will, depend upon it you will ultimately come in the last resort to this House for a final decision. My opinion is, that you will get a great many Members who will give their voluntary attendance on those Committees; but suppose that we could not get that voluntary attendance, why should we not adopt the principle we apply to election Committees, and impose upon the Members the necessity of giving their attendance in order to come to a decision? Suppose we do that, and appoint Committees of not more than seven Members, we may find it necessary, considering the number of competing Bills, and that according to our own principle local influence must be excluded, to give to the Committees a power of selecting Members, and adopting that plan, the business may I think be despatched. At least, I do not despair of this House being able to deal with the difficulty, and it will be much better for us to determine and meet it than to contemplate the transference of our authority to any other tribunal. I have found that it is not very politic to pronounce an opinion on a plan presented for the first time. Now, the plan of the noble Lord I never heard of before to-night. If I had, I would have undertaken to give it my consideration; but for the Government to promise to give a plan full consideration, that plan being nothing more nor less than a total revolution of the whole system, would, I am afraid, produce great confusion through every part of the country. The noble Lord is afraid of a great portion of capital being sent into foreign countries, and invested in securities of much less value than railways in this country, and therefore the noble Lord says, an immediate decision is necessary; but it is perfectly certain that it is impossible to adopt the noble Lord's proposed plan. That plan, as I understand, is that the Government should undertake now a new survey of all the different railway schemes in England, Scotland, and Ireland; but it would take a long time to complete that survey, and the noble Lord's plan is therefore impracticable in a day, a week, or a month. Are we to-morrow to announce, on the part of the Government, that all the

present railway schemes must be suspended—that we must constitute a Board and send engineers to determine on the propriety of all those plans? Take the case of the Waterford and Kilkenny Railway: are we to say that a company which has been going on under our sanction for the last twelve or fourteen months, involving the interests of private individuals—that where a branch railroad from another passing near a town has been proposed, and a second scheme has also been proposed, and discussion has been going on for the last month, and has finally ended in an amicable compromise between the two—that this whole scheme must be suspended until a new survey can be taken by the Government engineers? That may be a very good plan, but it must inevitably lead to a further suspension of all railway schemes. If that course were adopted before any plan could be maturely considered and carried into execution, this Session would have been brought to a close. If this were a *res integra*—if railways were now to be commenced *ab initio*, the plan of the noble Lord might be adopted, and the Government might derive a great revenue from railways by undertaking to make them. I do not know what effect it might have had on the Constitution if every one of these railways had been in the hands of the Government, and they had appointed all the officers connected with them; but I very much doubt whether at the present moment, if the Government had undertaken them, even with the benefit of this survey for making railroads direct from one place to another, the country would have been provided with a single railroad. I am sure that the country would not have been as well supplied with railway accommodation as at present. I never can overlook the effects produced by competition; nor do I now know how Government would set about determining in any case which line is the best; that must depend on local knowledge. Two towns might say, “Let us have a railroad between these places—let us consider what is the best line—what interests are affected by it.” How can we appreciate these interests? All depends upon local knowledge. Under the present system the result is satisfactory to the parties concerned: they embark their money in the speculation, and the railway is made. If we had a Government board, and Govern-

ment engineers, I do not know how we should set about determining the course to be pursued. The Government must depend upon local suggestions, and these suggestions would invariably be influenced by considerations of local advantage, and perhaps of personal profit. In considering this subject, we must not merely look to the enormous profits made by some Railway Companies, but we must also bear in mind the losses sustained by others. It is to the balance of profits and of losses that we must look, in considering the question. When we find railways at a premium of 20 or 30 per cent., may we not say with justice that that fact suggests that we have a right to attach certain conditions to those railways? We say “We will not interfere with your speculation. We gave you a preference; but the enormous premium now upon the price of your shares entitles us to stipulate on behalf of the public, and, in particular, of the poorer classes, for certain privileges, and that we can do without any disturbance of the ordinary course of proceeding.” On the other hand, shall we say, after allowing them to proceed in their course for some time, that we are going to appoint a new Government Board, suddenly stop all their proceedings, and render null and void all that has been done by the existing Board? I think we ought not. We allow to all these speculations a free competition, and with all respect for the noble Lord, of whose plan I shall say no more, as he is not present to hear my remarks, I must say it is my deliberate conviction that if we were to adopt that plan and to stop the functions of the Railway Department of the Board of Trade, the result would be that we should not have a single Railway Bill passed this Session. My advice, therefore, is that we should address ourselves, through a Select Committee, to the consideration of what will be the best mode of constituting our Committees for the consideration of Railway Bills. I think we should wait until we see the Reports of the Board of Trade, to learn from them the general principles which guided the proceedings, and then—reserving to ourselves full power, if we are overwhelmed with the pressure of these duties, of devising some remedy—that we should at present determine not to depart from the course which we have hitherto adopted, but immediately apply ourselves

to consider the best mode of constituting Committees upon these Bills. If you appoint a Government tribunal to determine between rival lines of railway, I ask whether it will not be subject to the same suspicions and objections as the Railway Committee of the Board of Trade? Suppose they were called on to decide between the three lines from London to York, who can doubt that discontent would follow their decision, whatever it might be? The direction of the line between London and York will materially affect the prosperity of that part of the country through which it passes; and when the decision of that tribunal should come to be made, I am certain that the shareholders of the two rejected lines would be disappointed, and their representatives, like my hon. Friend, the Member for Dorsetshire, would be making speeches in this House to show that a better line might have been adopted. There would be vain surmises that undue influence had been used; and that such a tribunal would be subject to the same imputations, although without a shadow of reason, as the Board of Trade has been subjected to, I have not the least doubt. I hope, therefore, that the House will follow my advice, and let us apply ourselves immediately to the consideration of the best mode of constituting Committees on these Bills, without at the same time consenting to disturb the ordinary course of our proceedings.

Mr. *Bankes* wished to say, in explanation, that he was not the representative of any of the proposed lines of railway, and merely spoke in reference to the interests of the county he represented. He had not a share in any railway company.

Sir *R. Peel* said, he did not at all mean to suggest that his hon. Friend had, or that he represented a railway company in that House; but what his hon. Friend now said was just the reason which contained his objection, viz., that the representative of the county would come to that House and express himself dissatisfied with a certain decision, as injurious in its consequences to the local interests of that county.

Mr. *Wakley*: The right hon. Gentleman has made a very useful and practical speech; but the great difficulty which he alluded to on a former occasion he has passed over in silence—what is to be done with the barristers? The Members of the House will be completely victimized if they

are to be disposed of in fives and sevens, and left to the interminable addresses of barristers. The right hon. Gentleman said on a former occasion that there would be great difficulty in controlling them. How are the chairmen to be selected? and who are they to be?—because it appears that barristers will yield no submission, unless to Members of their own profession. That is their own declaration. In addressing themselves to the law of the case, they constantly express their regret that they are not addressing gentlemen who are learned in the law. Although those gentlemen profess to be sitting in the Committee-room as makers of the law, still will barristers express their regret before them that they cannot comprehend a legal argument. I shall read to the House a few remarks upon the subject from the *Morning Chronicle*, a paper of considerable note, and which expresses in a great degree public opinion in reference to it. The subject is one which must not be overlooked, because it is notorious that the time of the Committees is outrageously wasted by the manner in which we allow their business to be conducted. Committees are adjourned again and again for the purpose of allowing barristers of extensive practice to resume their place as leaders. What is the opinion of the public respecting the tribunals which are formed from this House, as expressed to-day in the *Morning Chronicle*? That newspaper says,—

“It may be that counsel do in these Railroad Committees make gold out of iron, with ‘express train’ haste—peradventure, also, the fees are out of all proportion to the amount, intricacy, or difficulty of the business done; but, then, it is not for doing the business eminent, eloquent, and able men are retained, but for overmastering the committee.”

That is a very candid declaration, but it is perfectly true. The object of the counsel is to overmaster the Committee, to control the Committee, and to cause it to decide not in accordance with truth and justice, but in accordance with what is contrary to truth and justice. Counsel are employed for that purpose, and it is admitted. What is the remedy proposed? The same journal says,—“Elevate your Parliamentary tribunal to the intellectual stature of your Parliamentary bar;” or, in other words, you must provide out of this House in fives and sevens, gentlemen whose vigorous intellects and capacity of

mind, will enable them to contend with the higher grade of barristers who plead on those occasions. That is not a very complimentary remedy, although I do not mean to say it is wholly uncalled for.

"Elevate your Parliamentary tribunal to the intellectual stature of your Parliamentary bar, and the remedy for prolixity, diffuseness, the introduction of extraneous matter, and such shocking bad law that it can only be called 'crown's quest law,' is near at hand."

They should not speak of "crown's quest law," so disrespectfully, because it was made by lawyers before medical men got into office, who brought it into such disrepute that it now required the aid of the medical profession to redeem it, and extricate the lawyers from the difficulty.

"On matters of fact, the writer continued, allow your Committees the jurors' province of decision, but in matters of law aid them by a competent legal assessor, having judicial responsibility, and, of course, assuming judicial power. It is not from any vulgar greediness of gain, as is coarsely and ignorantly imputed, that counsel now waste the time of committees in frivolous speeches and driftless examinations and cross-examinations, but it is because they level themselves down—with all respect be it said—to the intelligence of a Parliamentary tribunal, high in mere worldly, but low, very low, in judicial intelligence. Placing no reliance at all on the judicial discrimination of their judges, Parliamentary counsel do undoubtedly often address to Committees the most preposterous propositions in law, and, finding such absurdities tolerated, contend for victory, and sometimes obtain it, often in the teeth of law, of fact, and common justice."

I do not think your proposal will render those proceedings of a less dubious character. Public opinion is adverse to the occupation of the time of this House in the consideration of railways. It is believed out of doors that there are too many here who have a deep personal interest in those speculations to decide honestly and fairly for the public good; and nothing can be more unfortunate for the character of the Legislature than that such an opinion should generally prevail. It is already prevalent, and I do not believe that any proposition submitted to this House will have the effect of mitigating the evil. So long as such a tribunal is resorted to, so long will this House and its decisions be attacked, as regards those speculations and undertakings in which it is known that a large number of Members actually have a personal interest. The Railway Board was presumed to have been constituted

of men of such high reputation as to lead to the supposition that it would have been free from every reproach or imputation. But is it so? Allusion has already been made to the nature of that Committee, but in no invidious manner, by the hon. Gentleman the Member for Dorsetshire, and there is no doubt that their decisions in reference to the railways for the west of England have given great dissatisfaction in that county. If then a Board constituted, as that Board is said to have been, with so much care, cannot be free from insinuations, and from statements of the kind I hold in my hand, is it likely that Committees of this House, formed of five or seven Members, as proposed by the right hon. Baronet, will be more fortunate in escaping imputations, not only as regards their character, but as regards the object for which they are to be appointed? I hold in my hand a publication called the *Economist*, from which I shall read a short extract respecting railway speculations; for it really is a circumstance which ought to be known and duly considered before any Committee is appointed, or anything done in reference to an evil of which so many complain. The writer is making some comments upon the speech of the late President of the Board of Trade, and proceeds:—

"Now, this is no doubt all true; nor have we any reason for believing that any one connected with the Board is interested in railways; and the care which Mr. Gladstone appears to have exercised to secure the Board against any suspicion is highly creditable. But there are many other facts which are notoriously true, and to which we would not even allude, did we not know them to be so; and which, we think, are in themselves quite sufficient to excite the strongest feelings of disapprobation at the constitution and power of the Board. It appears, that shortly after the appointment of Sir James Graham's private Secretary as a Member of this Board, his brother was engaged by the South-Eastern Railway Company, at a large salary as manager of that line, in which position he still continues."

Here I must observe, that I do not see why the name of the right hon. Baronet opposite should be introduced, for I am sure that he has not in the slightest degree exercised the slightest influence in the appointment of that gentleman. The article goes on to say,—

"The Standing Rules of the House require that Railway Companies intending to apply for an Act in the ensuing Session of Parlia-

ment should deposit plans of the lines with the Clerk of the Peace in the county, and at the Board of Trade, on or before the 30th of November. After that day, however, it was known that this order had not been complied with by the South-Eastern line, and, in consequence, that it was thought impossible for them to go to Parliament in the next Session for their several new lines. The consequence was a considerable fall in their shares. Notwithstanding this, however, towards the end of December, it was known, that among others in the confidence of the Directors, Mr. W. O'Brien had been a buyer of several hundred shares of that company; and, to the surprise of many, on the 17th of January, the Report of the Board of Trade came out in favour of nearly all its proposed undertakings, and against nearly all its opponents, although the line was considered entirely out of Court by its omission of Standing Orders; and on the next day the following notice was posted in the Stock Exchange in the usual course of business:—"If 100 new Dover shares, bought in the name of William O'Brien at 8½ p.m., are not delivered on Wednesday, 22nd instant, they will be bought in by J. W. Scott, Jan. 18th, 1845; these shares at that time being worth 22l. premium. It was, moreover, stated that this was only a part of much larger transactions."

I would ask the right hon Baronet or any person whether it is possible that a statement of that kind can go forth to the public without being thoroughly investigated and refuted, and not inflict the greatest possible injury on the utility of the Board? If the Board be not cleared from the imputations which have been cast upon it by reports of this description, I am confident, unless its proceedings be henceforth thrown open, and all its transactions conducted in the face of the public, that every decision to which it comes will be questioned. It is next to impossible, under the difficulties in which we are placed, to hope to make any proposition that will receive the general concurrence of this House or the country. The whole subject is one of difficulty. The interests concerned are of great extent—diffused over the entire surface of the land. Everybody, in fact, seems engaged one way or other, in railways. [An hon. Member on the Treasury Bench: Is there to be no tribunal?] The right hon. Gentleman wants to know whether there is to be a tribunal? That is the difficulty to be solved. See what the barristers do in Committees of this House; see the difficulty of controlling them. I do believe that you must propose to place them in an

office of station and responsibility. I positively conceive it to be your duty, as you are determined to maintain the power of this House and uphold its decisions, to make legal gentlemen, of known capacity, chairmen or assessors, and that unless you do so—unless you place gentlemen of high legal reputation and attainments in such situations, it will be impossible for you to get through the railway business of the country. The right hon. Gentleman is unwilling to confer such offices upon them; but how are you to get out of the difficulty without doing so? You are here told that the nature of the office in which the barristers are at present engaged is "mastering the Committees," in consequence of the Parliamentary intellect not being up to the high standard of the intellect of the bar. If the bar cannot pay common respect to the judgment of Members of this House, and if they have the power of overruling or protracting by their talk the decisions of this House, is it right that those who come here to obtain useful institutions and add to public benefits should be plundered as they are by the necessity thereby created of incurring a useless and extravagant expense? Is it not monstrous to think that the procuring of one Railway Bill should cost more than 100,000*l.*, or that 50,000*l.* and 60,000*l.* should be the ordinary expense attending such a proceeding? How can such a fact be mentioned without reflecting upon the character of this House? It may be said that Sir H. Halford and other eminent men of the profession to which I belong, are making large incomes through the public, as well as barristers. But no one complains of that. There is besides no analogy in the two cases, for in the one of which I complain, what do I find? A number of agents employed to do what? To spend other people's money in procuring the success of a measure before this House. I am told by Members of the House that gentlemen are frequently engaged as leading counsel in four or five Committees at a time. ["More."] Some hon. Member says "more." I ask, then, is that fair to the public? Cannot that system be controlled? Is there no means of preventing it? It has been stated, too, that those gentlemen are paid, not for the performance or finishing of the work in hand, but by the day. If I were paid to speak by the day, I do not know when I should stop. And so it is with others. Give a man a wig, and pay him

by the day, and there is no knowing when he will stop. It is really a serious question, and I think the right hon. Baronet will find it so before the end of the Session, if something be not done in time. If it be notorious that barristers treat with contempt, and almost with scorn, the judgment and opinions of the gentlemen whom they address, is it not right—does not common sense demand—that you should place some person upon the tribunal who would have some control over them, and be able to keep their speeches within the pale of reason? Unless you do, certain I am that the public will suffer the greatest possible injury.

Sir James Graham said: It is perhaps scarcely necessary for me to say that, after the speech of my right hon. Friend at the head of the Government, nothing was further from my intention than to address one word to the House upon this subject. I certainly was not prepared, however, for the introduction of my name in this discussion, inasmuch as I thought, if the hon. Gentleman had intended to introduce it, he would at least have had the courtesy to inform me that such was his intention; but I do not complain in the least that, without any notice, he has introduced my name on the present occasion in a manner so direct and so intelligible. I have heard before something like an allusion to the subject which forms the topic of the article that the hon. Gentleman has read; and my name now being mentioned in direct terms, I am sure that the House will feel—though it is always painful in a public assembly to speak of oneself—I am sure that the House will feel that this discussion is forced upon me. I will state, having held a seat in this House for now nearly thirty years, having seen the first commencement of railway speculation, having had a seat in this House in 1825, when so much speculation was on foot, and having taken an active part in the private business of this House, that I never in my life thought it consistent with the discharge of my duty either to hold a share in, or to form any connexion, directly, or indirectly, with any railway company or speculation whatever. So much for myself. Now, with regard to the two relatives of mine to whom also the hon. Gentleman referred—the Messrs. O'Brien. Those two gentlemen were educated professionally for the army, and they have served in different branches of that service. Having to make their way in life, they did not think it incompatible with

their station or their honour to apply the scientific information which they had derived professionally to aid in the execution and superintendence of railroads. The office of private secretary to myself being vacant, I, relying on the honour and intelligence of one of those gentlemen, removed him from the occupation in which he was then engaged in connexion with the railroad, and made him my private secretary. My expectations with regard to his integrity, honour, and intelligence, have not been disappointed. He served me faithfully: I was most anxious to retain his services. No application, either directly or indirectly, was made by me in his favour to obtain the situation which he now holds in connexion with the Board of Trade; it was a great loss to me when he was taken from me; I regret it extremely, and I had nothing whatever to do with his selection for his office, which he now holds in the Board of Trade. My right hon. Friend the Member for Newark (Mr. W. E. Gladstone) thought that he was a gentleman well fitted for the situation to which he was appointed, and which he now holds. Upon his appointment, it was made a condition with Mr. O'Brien, as that right hon. Gentleman stated the other evening, that any connexion which he might then have with any railway speculation should immediately cease, and that any railroad shares of which he might be possessed should be sold. I am informed by Mr. O'Brien that with these injunctions he immediately complied. He was connected with two railways, and he sold the shares that he had in them, I think in October, when his appointment took place. From some regulation with which I am not conversant, the shares in speculations which are pending, and which have not yet received the sanction of Parliament, are represented by what is called "scrip," and in order that that scrip may be saleable, the party in whose favour it is issued must sign some document, where it will appear even after he has parted with the scrip,—consequently Mr. O'Brien's name does appear in one or more schemes with respect to railways about to be brought before Parliament; but I am assured that the sale took place in the month of October, and that his name only appears as a matter of form. Some wrong conclusion might have been come to by the writer in the *Economist* with regard to the Mr. O'Brien connected with the Dover Railway, on account of the identity of the name; and he might have supposed that the gentleman to whom he refers, and

the one who has now a seat at the Railway Department of the Board of Trade, are one and the same person. That is not so. There are two brothers. The one alluded to by the *Economist* was also educated for the military service, and he has been in the employment of a railroad company in the north of England. For a short time, on the appointment of the gentleman now connected with the Railroad Department of the Board of Trade, I took the brother as my private secretary who is now the object of comment in the *Economist*. An appointment, one of large emolument I believe, was offered to him by some railway company. I could not stand in the way of his advancement, and with great reluctance I parted from him. I can assure the House that neither directly nor indirectly has there been any communication between the gentleman filling the responsible situation at the Board of Trade, and the gentleman mentioned in the *Economist* as to speculating in shares. Amidst all the great advantages of railway speculations there are some disadvantages, and none greater could befall the State, than that the character of public men should be implicated in many transactions of this description. I hope the House will not think, then, that I have acted improperly in at once, upon a natural impulse, stating to the House the whole truth. With regard to myself, I can only say, that I have no connexion, direct or indirect, with any railroad speculation. With respect to others, if any doubt remain, and I can hardly believe there should—if there be any doubt as to the accuracy of the statement that I have made respecting the conduct of those two gentlemen—one being a public servant, and the other being immediately connected with him,—if there be, I say, any suspicion on the part of any Member of this House, let an inquiry be instituted. It would be a most proper matter for an inquiry, and by the result of that inquiry let those gentlemen stand or fall. Every one, I am sure, would be ashamed to entertain an unjust suspicion of another against whom no imputation could be sustained, and who at the same time challenged an inquiry. Do not let us, then, without proof whisper away the character of two honourable men who have served their country in various capacities, though they are not powerful or men of high station. To return to the subject more immediately under discussion. The hon. Member for Finsbury will excuse me if I say, that I cannot return him the compliment which he

paid to my right hon. Friend at the head of the Government, on having made "a practical speech." The hon. Member for Finsbury began by unscrupulously condemning the constitution of Railroad Committees appointed by the House; and he said that a Committee of five or seven Members could not be competent to rise to the heights of law and justice without having a lawyer to preside over them, and moreover, that suspicion was apt to be excited as to the purity of their motives. Then where will the hon. Gentleman find his competent tribunal? The Board of Trade is already an object of the hon. Gentleman's suspicion. The Railway Department consists of men of honourable professions, presided over by a Peer of the realm, against whom, amid all this jealousy, no allegation has been made. There is General Pasley, a most distinguished general officer; Mr. O'Brien, who has served in the army with the purest reputation; and the other gentlemen are most useful and honourable men—one of whom in this House was always viewed as an authority—I allude to Mr. Porter. Yet with a tribunal so constituted, the hon. Gentleman is not satisfied. If you cannot trust a Commission appointed by official men—if a tribunal constituted as the one I have just described be not worthy of your confidence—if a Committee of the House of Commons be not trustworthy, practically, then, where are you to find your tribunal? Can it be believed that a Committee of this House carefully selected and acting under strict relations, acting in the face of the public, under the full pressure of public opinion—have you arrived at the day, I say, when the purity of such men's motives is to be doubted? Anything more degrading to this House cannot be imagined, and nothing, as I am persuaded, can be less true than the whisperings of impure motives that have been referred to. I quite agree with what has fallen from my right hon. Friend at the head of the Government, and I am convinced that if his advice be taken, and if we apply ourselves honestly to the task of appointing Committees in such a manner as that we shall bring public opinion to bear on every part of the conduct of the Members of those Committees, this difficulty will be overcome, and this duty will be satisfactorily performed. The hon. Member for Bath (Mr. Roebuck) has entered the House since the speech of the hon. Member for Finsbury, and I see behind him the hon. Member for Durham, also a member of

the learned profession. I believe that the liberties of this country are so much indebted to gentlemen of the long robe, and I know so well that amongst its distinguished members are to be found so many advocates of the freedom and defenders of the rights of people, that I am ashamed, in the presence of the members of that learned profession, to say one word in its behalf; but I must say, that my experience, even before Committees of this House, leads me to come to the conclusion, that though there there may have been sometimes abuses in the needless consumption of time, yet that without the aid of an intelligent Bar, it would be impossible for the duties of Committees to be properly performed. As to the fact that three or four leaders may sometimes be engaged in ten or twelve Committees at the same time, I would ask what would the people of England say if they were not allowed the choice of their own advocate? What will your constituents say if you attempt to bind them down, and to dictate to them in such a matter? They are entitled to have the aid of the ablest men, men of their own choice, so that their case may be represented and their interests preserved in the most effective manner. And I say, that it is our duty to our constituents, and to the people of this country, to leave them perfectly free in the choice of their counsel. I do not say that it is the duty of this House not to restrain any undue license on the part of the Bar, if they seem disposed to abuse the liberties which they possess; but I must say, that when serving on Committees, I have never seen even the slightest intimation to legal gentlemen unheeded by them, if it were conveyed in such a manner as a gentleman ought to receive and to respect. Now, I do not wish to prolong this discussion, and it would be vain for me to say more after what has been said by my right hon. Friend. I entirely concur in the advice which he gave to this House, and I believe that the moral effect of these discussions will be good. In personal matters, I am always sorry to intrude myself upon the notice of the House; yet, from the position that I occupy, anything affecting me as a public man does in some degree touch upon public interests, and I hope, therefore, that the House will pardon me.

Mr. *Wakley*, in explanation, said, that the paper from which he had read had been put into his hands since he had entered the House, or he should certainly have intimated to the right hon. Baronet

that he was going to mention his name. He had not, however, in fact, the paper ten minutes before he rose to speak, and what would the right hon. Baronet have said, if his name being in a document from which he quoted, he had omitted to read it?

Mr. *Brotherton* thought that there was much greater reason to complain of the length of the speeches and proceedings of Members of that House in the private Committees, than of the addresses of the Bar. He was a Member of the Committee on the Railway Bill which had been so particularly alluded to by the noble Lord the Member for Sunderland. That Committee had sat for sixty-one days, and he had voted in not less than 101 divisions during the progress of the Bill before it. The reason of this was, that a certain number of Members of the Committee were determined that the Bill should not pass, and they divided on the most frivolous objections. The barristers engaged against the Bill were encouraged to raise points, and to make objections to its progress which they otherwise would not have thought of doing. With regard to the frequent adjournments of Committees on Private Bills, he had had considerable experience on this subject; and he was satisfied that a vast number more such adjournments took place for the convenience of Members of that House who wished to be present, than at the request of barristers. In consequence of his observations he had always been in favour of having a Private Committee constituted of either five or seven Members; and he was satisfied that if this were done, many of the grounds of complaint which now existed would be removed, and amongst other things, the speeches of counsel would be shortened. But, whatever tribunal was formed, to which the decision on these questions was referred, it would be found that some objections would be raised. He thought, however, that a Committee composed of a few Members would be the best tribunal, and there would be a pretty good certainty of regularity of attendance on their parts.

Mr. *Darby* wished that the hon. Member for Finsbury had attended Private Committees as often as he had done, and the hon. Member would not have said that the Committees were overridden by the Bar. As for the assertion that the Bar

wasted the time of the Committee, his experience did not warrant such a statement. The hon. Member had stated the "Crown's Quest Law" would not have fallen into such disrepute formerly, had it not been that it had been administered by lawyers instead of medical men; did the hon. Member then mean to suggest that medical men should be appointed to act as assessors on these Railway Committees? He thought that it would be most improper to interfere to prevent the fullest discussions before these Committees, for it would lead parties that were disappointed in obtaining their object to assert that their cases had not been heard by the Committee. The hon. Member also complained of certain leading counsel obtaining so much of the business before Committees on Private Bills, and that in consequence many Committees were kept waiting day after day until it suited the convenience of such counsel to attend. He (Mr. Darby) did not believe that it often happened that Committees had to wait for the attendance of the leading counsel; at any rate he was sure that it was not the case as regarded the Private Committees on which he had served.

Mr. Wallace, in reply, said that he was gratified with the tone of the discussion throughout; and after what had taken place he should not think it necessary to divide the House. If he should happen to be Chairman of any Committee on a Private Bill, he should propose that they should not be compelled to break up their sitting immediately it was announced that the Speaker had taken the Chair, but that they should be enabled to go on until they had finished the point before them; for as it was, the agents often, for the mere purpose of delay, impeded the progress of a Committee until the Speaker took the Chair. If this suggestion was not adopted, he should take care to adopt the proceeding followed by the Chairman of the Private Committees in the House of Lords, whenever an attempt was made to prolong the proceedings unnecessarily—to appoint the meeting at a very early hour the next day. He would always commence with assuring the counsel or agent, if an attempt was made to break up a Committee of which he was a Member, by announcing that the Speaker was in the Chair, that he should adjourn it to next morning at nine o'clock. This would soon put an end to any such attempts at delay. He could not conceive on what principle the

railway companies were allowed to keep up their high charges, so as to enable them to divide 8 or 10 per cent. profits, while the average rate of interest was between 2 and 3 per cent. He was so far satisfied with the discussion of that evening as to feel assured that it would attract further notice to the subject, and, above all, as he considered that the suggestions of the First Lord of the Treasury were most valuable, and as under these circumstances he did not conceive that he should have much support, he should not divide the House, but would withdraw his Motion.

Motion withdrawn.

MEDICAL OFFICERS OF POOR LAW UNIONS.] Mr. Wakley wished to move for a Return

"Containing a description of the diplomas, licenses, or other letters testimonial, that are admitted and sanctioned by the Poor Law Commissioners as legal qualifications which entitle Medical Practitioners to be appointed Medical Officers of Poor Law Unions in England and Wales."

Since the passing of the New Poor Law Act, great confusion had existed as to the qualifications of persons who it was considered were entitled to be appointed medical officers to Poor Law Unions. A great many medical men believed that unqualified persons were admitted to such offices, while, at the same time, highly qualified persons were excluded from being medical officers of Unions. It appeared that the Commissioners had the power of dismissing the medical as well as all other paid officers of Unions; indeed this was obvious from the Interpretation Clause of the Act. By another Clause of that Act, also, the Commissioners had the power to declare what were the qualifications required of persons holding offices under the Unions. The question as to the qualification of medical officers to Poor Law Unions, and the decisions of the Commissioners on the point, had been a constant subject of discussion before medical associations, and the matter had also been considered by a Committee of that House. In March, 1842, the Commissioners having had their attention called to the subject, issued a general order and rule as to medical relief, and in part of which the qualifications of medical officers to Poor Law Unions are stated. The part to which he alluded was as follows:—

"It shall not be lawful for any of the said

Boards of Guardians to appoint any person to be a medical officer, unless such person at the time of his appointment shall possess one of the four following qualifications: that is to say:—

“1. A diploma from the Royal College of Surgeons in London, together with a degree in medicine from an university in England, legally authorized to grant such a degree, or together with a diploma or license of the Royal College of Physicians of London.

“2. A diploma from the Royal College of Surgeons in London, together with a certificate to practise as an apothecary from the Society of Apothecaries of London.

“3. A diploma from the Royal College of Surgeons in London, such person having been in actual practice as an apothecary on the first day of August 1815.

“4. A warrant or commission as surgeon or assistant-surgeon in Her Majesty's Navy, or as surgeon, or assistant-surgeon, or apothecary in Her Majesty's Army, or as surgeon, or assistant-surgeon in the service of the Honourable East India Company, dated previous to the 1st day of August, 1826.”

These four rules were accompanied with the following proviso—

“That if it shall not be practicable for the Board of Guardians to procure a person residing within or near the district in which he is to act, and duly qualified in one of the four modes recited in Art. 3, to attend on the poor in such district, or that the only person resident in or near such district, and so qualified, shall have been dismissed from office under the seal of the Poor Law Commissioners, or shall be judged by the Poor Law Commissioners to be unfit or incompetent to hold the office of medical officer, then and in such case, the Board of Guardians shall cause a special minute to be made and entered on the usual record of their proceedings, stating the reasons which, in their opinion, make it necessary to employ a person not qualified as required by Art. 3, and shall forthwith transmit a copy of such minute to the Poor Law Commissioners for their consideration; and the Poor Law Commissioners may, if they think fit so to do, permit the employment by such Board of Guardians of any person duly licensed to practise as a medical man, although such person shall not be qualified in one of the four modes required by Art 3. Art 5. Provided also, that it shall be lawful for the Board of Guardians, with the consent of the Poor Law Commissioners first had and obtained, to continue in office any medical officer duly licensed to practise as a medical man already employed by any such Board of Guardians, although such medical officer may not be qualified in one of the four modes required by Art. 3.”

Thus, then, it appeared that those who had obtained medical diplomas in Ireland

and Scotland, as well as those who had obtained medical degrees in the Scotch and Irish universities, however great their professional abilities might be, were not qualified to act as medical officers to Poor Law Unions. There did not however, appear to be anything in the Act, namely, the 4th and 5th William IV., to call for such exclusion. The result, however, was, that it was put in force, and it had caused great dissatisfaction amongst members of the medical profession, both in Scotland and Ireland. The discontent on the subject had increased, as this exclusion had been made one of the pretexts for introducing a general Medical Bill, and thus break down that protection to the medical practitioner which was given in 1817, by the measure commonly called the Apothecaries' Act. After this order, dated in March, 1842, which certainly was most loosely drawn up, a communication, dated early in 1843, was made by the Presidents of the Colleges of Physicians and Surgeons in Dublin to the Poor Law Commissioners, which was answered at some length by the Poor Law Commissioners. On this subject the Poor Law Commissioners, in their Report in 1843, observe—

“With respect to the first of these subjects, we explained in the last annual Report (s. 31) the nature of the difficulty which we had found in the state of the law affecting the validity in England of medical qualifications derived from a Scotch source. We then stated that, according to the best legal advice which we had been able to obtain, it appeared to us that a person having merely a medical qualification derived from an university or other body qualified to grant medical diplomas in Scotland or Ireland, could not be considered as coming within the words ‘persons duly licensed to practise as a medical man’ in (s. 109) of the Poor Law Amendment Act. Since the date of that Report, we were induced to consult the Attorney General and Mr. Martin on the subject; and they gave it as their opinion that persons having a surgical diploma or degree from a Royal College or University in Scotland or Ireland, are legally as competent to be medical officers under the Poor Law Amendment Act as persons having the diploma of the Royal College of Surgeons in London; but that persons having only Scotch or Irish medical qualifications are not as such competent to practise pharmacy in England and Wales. Accordingly, by a letter dated the 31st of August, 1843, which was sent to all the Unions, we stated that we considered ourselves justified by this opinion in admitting persons having a surgical diploma or degree from a Royal College or University in Scotland, to the same rights under the Poor Law Amendment Act, as Members of the

Royal College of Surgeons of London; and we added that we should be prepared to consent to such arrangements, and to make such modifications in our general order of March, 1842, as might be necessary to give effect in any Union to the Attorney General's opinion."

The letter of the Commissioners, and the opinion of the learned counsel, were printed as a supplement to the annual Report, and were as follow:—

"Poor Law Commission Office, Somerset House, August 31, 1843.

"Sir,—In consequence of a communication made to them by Her Majesty's Principal Secretary of State for the Home Department, the Poor Law Commissioners have consulted the Attorney General and other counsel on the competency of medical practitioners possessing Scotch and Irish qualifications to act as officers in a Union or parish under the Poor Law Amendment Act. The effect of this opinion (a copy of which is annexed for your information) is as follows:—

"1. That persons having a surgical diploma or degree from a Royal College or University in Scotland or Ireland, are legally as competent to be medical officers under the Poor Law Amendment Act, as persons having the diploma of the Royal College of Surgeons in London.

"2. That persons having only Scotch and Irish medical qualifications, are not, as such, competent to practise pharmacy in England and Wales. The Commissioners think that they are, by this opinion, justified in admitting persons having a surgical diploma or degree from a Royal College or University in Scotland or Ireland to the same rights, under the Poor Law Amendment Act, as members of the Royal College of Surgeons of London. The Commissioners will therefore be prepared to consent to such arrangements, and to make such modifications in their General Order of the 12th March, 1842, as may be necessary to give effect to the above-recited opinion of the Attorney General. I am, &c.

(Signed) "E. CHADWICK, Sec.

"To the Clerk of the Guardians of the ——— Union."

"Question arising out of the case laid before Sir Frederick Pollock and Mr. Martin:

"Whether persons on whom medical degrees, diplomas, or licences, have been conferred by the Universities or other medical authorities in Scotland or Ireland, are competent to be appointed and to act as medical officers under the 4th and 5th William IV., c. 76?"

"Opinion.

"We are of opinion that, as far as the question of surgery is concerned, those persons who have a surgical diploma, or degree from a Royal College or University in Scot-

land or Ireland, are (in point of law) as competent to be appointed and to act as medical officers, under the statute referred to, as the persons who have the diploma of the Royal College of Surgeons in London. With respect to pharmacy, the right to practise (in England and Wales) is confined to those who have a licence or certificate of the Apothecaries' Company, and other persons whose rights are saved by the Apothecaries' Acts; and, in our opinion, persons having Scotch and Irish medical degrees are not among such last-named persons.

(Signed) "FREDERICK POLLOCK,
"SAMUEL MARTIN.

"Temple, Aug. 8, 1843."

It was curious that, notwithstanding this opinion of the then Attorney General, Sir F. Pollock, and Mr. Martin, bearing date the 8th of August, 1843, that persons holding surgical diplomas and degrees from Scotch or Irish Colleges or Universities were competent to act as Medical Officers in Poor Law Unions, the general order of March, 1842, had remained unaltered. The consequence was, that medical practitioners still appeared to be in as great a state of uncertainty and confusion as ever with regard to who were and who were not duly qualified to hold appointments as medical officers in connexion with Poor Law Unions. The object of the Motion he now submitted to the House was, to procure from the Poor Law Commissioners a clear and distinct statement of the qualifications which they deemed necessary to enable medical gentlemen to hold such appointments as medical officers. He believed, that the publication of the Return for which he now moved, would afford very great satisfaction, for he had no doubt it would be accompanied by a statement from the Commissioners, that they had to a certain extent altered their general order of March, 1842, and brought it into conformity with the opinion expressed by Sir F. Pollock, in August, 1843. The hon. Member concluded by moving for the Return.

Sir J. Graham said, the right of persons holding diplomas of Scotch and Irish colleges to practise generally in connexion with the Poor Law Unions in England, was a matter involved in some doubt. The hon. Member for Finsbury would surely admit that the opinions of the present Chief Baron, and of Mr. Martin, Queen's Counsel, were entitled to the greatest respect on a matter of law, and as to the construction of an Act of Par-

liament. The Poor Law Commissioners were bound to execute their functions in conformity with law. Among other statutes regulating medical practice in this country was the Apothecaries' Act; and in the opinion signed by the Chief Baron and Mr. Martin, which the hon. Gentleman had just read, they distinctly stated, that practitioners holding surgical diplomas or degrees from colleges or universities in Scotland or Ireland might legally practise as surgeons in England; but that, under the provisions of the Apothecaries' Act, which was the law of the land, they could not act as general practitioners. That was to say, they could not both prescribe and make up medicines—they could not practise pharmacy. He understood general practitioners to be those who could prescribe as physicians, who could practise as surgeons, and who, if necessary, could compound and administer the drugs they prescribed; and it was most advisable that in Poor Law Unions they should have the services of practitioners of this description. It was with the view of offering facilities for the general practitioner that he sought to alter the law relating to medical practice, and more especially to repeal the Apothecaries' Act, which was the great impediment to the general practice in England of Scotch and Irish medical men. He (Sir J. Graham) did not feel the least difficulty or hesitation in laying upon the Table all the Papers to which the hon. Member for Finsbury had alluded, and among them the opinion of the Chief Baron and Mr. Martin, which stated directly that the Apothecaries' Act was the impediment to the practice of Irish and Scotch medical men in this country. The Poor Law Commissioners were bound by the law as it stood to say that no Scotch or Irish practitioner, however eminent for his talent—however satisfactorily he might have passed his examinations, could be employed in any Poor Law Union in this country, unless he was prepared to forego all the advantages which his services as a general practitioner offered to the Board of Guardians. The hon. Member for Finsbury had brought out most strongly—he could not have done so more prominently—the great grievance with which, among others, he (Sir J. Graham) proposed to deal in the Bill it was his intention to submit to the House. He must add, that after the opinion given by the Lord Chief Baron and Mr. Martin, the Poor Law Commissioners issued a circular to the Boards of

Guardians, stating that, though Scotch and Irish practitioners could not practise pharmacy, yet that, if their services were strictly restricted to surgery, they might be employed. He begged to express his obligation to the hon. Gentleman (Mr. Wakley) for having brought forward so prominently one very great defect of the existing law relating to medical practice.

Mr. *Wakley* said, the circumstance which had struck the members of the medical profession as most extraordinary was this,—that, after the opinion he had read, no general order had been issued by the Commissioners to alter the general order promulgated in 1842. The opinion of the Attorney General, obtained in 1843, clearly showed that medical men possessing diplomas or degrees from Scotch or Irish Colleges could legally practise as medical officers to Poor Law Unions in England; and yet no steps were taken to alter the general order which had been issued a year and a-half previously on this subject. He hoped that, when the right hon. Baronet brought forward his Bill on the subject of Medical practice, he would recollect that, inasmuch as the present Chief Baron had given it as his opinion that Irish and Scotch surgeons could practise surgery and medicine, though not pharmacy, which was the preparation of medicine, in Poor Law Unions, it was not necessary to repeal the Apothecaries' Act in order to admit those gentlemen to legal practice.

Sir J. *Graham* said, his impression was, that, after the opinion of Sir F. Pollock and Mr. Martin had been obtained, a general order on the subject was issued by the Commissioners, but he could not positively state that such was the case. He was, however, quite certain that, either in the form of a circular letter or of a general order, the effect of that opinion was intimated to the various Boards of Guardians.

Return ordered.

EMPLOYMENT IN WORKHOUSES.] Captain *Pechell* rose to move for the Return ordered the 25th of July, of all Union Workhouses under the Poor Law Amendment Act, in which the pauper inmates thereof are, or have been, employed in grinding or crushing bones by means of mills, machinery, or otherwise; together with the date of such erection of mills or other machinery, and the names of the

Chairman and Vice-Chairman of the Board of Guardians of every such Union at the period; also the cost of the said bones, including all expenses of carriage and other incidental expenses, and the amount which the same have produced in their manufactured state, and whether the same have been sold by tender, or fixed price, or otherwise. This Return was ordered on the 25th of July last; but although there was ample time between that period and the prorogation of Parliament to obtain the information and prepare the Return, it had not been laid upon the Table of the House. The Order made by this House would be sent to the Poor Law Commissioners, who were responsible for the production of these Returns, and who were under the direction of the right hon. Secretary of State for the Home Department; but he was in possession of facts which showed that the information required for these Returns was furnished to the Poor Law Commissioners long before the Prorogation of Parliament. They had heard during the discussion this evening, that barristers who were engaged before Select Committees of that House sometimes endeavoured to overmaster those Committees, and he had reason to believe that these Poor Law Commissioners were endeavouring to overmaster that House, as they appeared to have overmastered the right hon. Baronet opposite (Sir J. Graham). The non-production of these Returns had been attended with great inconvenience. The re-appointment of the Committee to investigate the operation of the Act relating to Gilbert Unions had already been moved; and he (Captain Pechell) had hoped that the information derived from these Returns would have afforded some means of comparing the condition of the workhouses under that humane law, as contrasted with the New Poor Law, and the condition of the workhouses under the management of the Poor Law Commissioners. The Commissioners had been enabled, in some measure, to defeat him in this object. The right hon. Member had promised, at the end of the last Session, that these Returns should be produced, and he believed the right hon. Gentleman had really intended to act up to his profession. But during the recess, while the right hon. Baronet and other hon. Members of that House were recreating themselves on the moors or on the banks of the Rhine, he took the opportunity

of visiting a Poor Law workhouse—or, as it was called in the country, a Poor Law “bastile.” Now, it so happened that a mill for the grinding or crushing of bones for the purposes of manure was erected in that very “bastile,” and it was shown to him as one of the features of the place. When he saw the place, he thought it was a *dépôt* for bone of a very different description. When the right hon. Baronet (Sir J. Graham) stated last Session that this intolerable nuisance should wholly cease, he relied upon that declaration; and he certainly did not expect that in November or December last he would have witnessed a continuance of this most objectionable system. He hoped, when these Returns were laid before them, that the House would be given to understand whether those practices of crushing or grinding bones by mills, machinery, or otherwise, would any longer be allowed to continue, and whether the workhouses under the management of the Poor Law Commissioners were in those respects similarly situate with those of the Gilbert Unions. At present, indeed, there was no positive authority for asserting that any such practice did exist, save the evidence which had been extracted from witnesses, who were generally unwilling to give it; but when the Returns, for which he had moved, were before the House, it would be ascertained how far the system was prevalent, and it would then be impossible for the Poor Law Commissioners to continue it any longer. He hoped that the right hon. Baronet opposite would support him, and in the present Session exert himself to put an end to practices of which he had last Session expressed his disapprobation; notwithstanding which, those Returns would be able to inform him and the House that mills for grinding and crushing bones, as in the workhouses which he had recently visited, were still in the course of being erected, and in full operation. The hon. Member concluded by moving for the Returns.

Sir J. Graham begged to assure the hon. and gallant Officer, that he had last Session pressed upon the Poor Law Commissioners' attention the fact, that it was his urgent desire that those Returns should be laid before the House previous to the termination of the last Session, and he believed that every care and diligence was used to comply with the Orders of the

House, but, notwithstanding, it was found impossible to complete them until the Session had closed. At the present moment, however, he could assure the hon. and gallant Officer, that the Returns were quite ready, and that in the course of four or five days they should be laid before the House. He had done all in his power to forward their production; and he could assure the hon. and gallant Member that he had not been up the Rhine, although he must admit that he had for a short time been upon the moors. He might take occasion to remark that he had expressed his opinion with respect to the subject matter of the hon. and gallant Member's Motion before; and had declared his conviction that labour of the description referred to, should no longer be continued in the Poor Law workhouses. There were many circumstances which rendered that labour most disagreeable and offensive, such as the very disgusting smell which necessarily arose from the bones in warm weather, which, with other causes, made it a matter of deep regret that that particular species of labour should be had recourse to in workhouses. At the same time he was bound to say, that, notwithstanding all the jealousy of the power of the Commissioners at Somerset House, it would appear that their authority was very limited indeed; for, although the practice of crushing and grinding bones was not prescribed for the paupers by any law, nor appointed in the Poor Law Act, much less by the Secretary of State for the Home Department, who had expressed his disapprobation of it, and still less by the Poor Law Commissioners, who also disapproved of it, yet it was nevertheless persevered in by the local authorities. Now, if the Commissioners had had the power, they would have put an end to it instantly. But they had not; and the consequence was, that the practice was continued, and became an illustration of what local management was, when unchecked by any proper superintending authority. As the law stood at present, the Parliament might express its disapprobation of such a practice—the Secretary of State might advise its discontinuance, and state his opinion that it was not an expedient mode of employing pauper labour, as he had done on the present occasion, and yet the local authorities had the supreme power, and might disregard any such interference. Certainly, however, they might regret such an

exercise of local authority, the example proved that the Poor Law Commissioners had not the power to stop it.

Viscount *Ebrington* said, that as one who was connected with an Union workhouse where bones were ground and crushed by machinery, he wished to make a few remarks on the present occasion. If those bones were to be crushed at all, by whom was it to be done? By free and independent labourers only, and not by paupers? Certainly it was a new doctrine for him to hear, that work which was too offensive for paupers should be performed by free labourers; for, performed under proper regulations in the open air, or in well-ventilated sheds, it was not unwholesome. Being convinced, that as one of the Guardians in this case, he had not been a party to ordering any unjust, unfair, or unwholesome employment for the paupers of the South Molton Union, he trusted that they and those of other Unions which had adopted the same system, would persevere in it as long as the law allowed them to do so. [Sir C. Lemon: Hear, hear.]

Captain *Pechell* said, that although the noble Lord, echoed by the hon. Member for Cornwall (Sir C. Lemon), had so lauded the practice, he, nevertheless, hoped that it would soon be checked. He could not but call to the recollection of the House a petition which had been presented to them from a pauper who had been brought to death's door by his treatment in a certain workhouse, where it was made a matter of punishment that he should be sent to the bone-mill. He did not think that the noble Lord, who was fighting so nobly for his absent colleagues, could maintain his position; and he hoped that the right hon. Baronet would continue his opposition to the practice, and insist upon the Poor Law Commissioners issuing peremptory orders upon the subject. That was the more necessary, as in the poorhouse which he (Captain Pechell) had in his mind, the Guardians actually thought that they were carrying into effect the opinions of the Commissioners with regard to the employment of paupers, by continuing that practice, and imagined that they had, by so doing, made it the model of a Bastille. He had only to hope that the noble Lord would repeat to his colleagues at South Molton what he had heard of the opinions of the hon. Baronet and of the Commissioners, and that he

would tell them that the Secretary of State had given up their heartless and cruel system, which was both offensive to the ideas, and repugnant to the tastes of all but themselves.

Mr. Wakley : Finding that this practice actually has got advocates, and that, too, in the noble Lord, and in the hon. Baronet, the Member for Cornwall,—finding that it has actually advocates too in this House, I must say, that I fear the local interests are much stronger than I was at first inclined to believe. I thought that it was by some accident that the atrocious practice had fallen under the notice of the hon. and gallant Member ; but that the noble Lord should rise in his place in this House, and ask, “ How is this labour to be performed, if it is not done by the paupers ? ” does, I confess, confound me. Well, the Poor Law Commissioners certainly have more to do than I thought they had. I must say that ; and, moreover, I am bound to acknowledge, that they have been the protectors of members of my profession against the parsimony of the local Boards of Guardians. Why, under the circumstances which have been stated, I should be inclined to give them more authority. I certainly am of opinion that the Secretary of State should not delay asking for more authority to be given to those Commissioners within forty-eight hours. What, Sir, the paupers to be employed in crushing and grinding bones in a state of rottenness and decomposition ! Such a poisonous, odious, filthy, abominable occupation ; and that, too, to be defended by a noble Lord, in his place in this House ! The noble Lord surely can't have spent any time in a workhouse. It is really most distressing to hear such statements made in Parliament ; and, I fear, if the noble Lord has sanctioned such practices in his own workhouse, that the practice in question is but too general throughout the country, and that it will be found necessary to give the Poor Law Commissioners power to check and prohibit them. I have already stated that the Commissioners have protected the members of my profession against the avarice of the Guardians. Of one case, I may now tell the House. In a Union, of which I will not now mention the name, but may do so hereafter, a medical officer was dismissed “ because,” it was said, “ he had been too liberal in giving food to the paupers.” Without one case be-

ing alleged, or one proof specifically brought against him, of the truth of this charge, he was sent away on that general ground ; and I am informed that the Poor Law Commissioners had no power whatever to protect that individual from such treatment, though at the same time I was told that, if they had possessed any such power, they certainly would have exerted it in his behalf. Under the circumstances which have been stated by the right hon. Baronet, I do not hesitate to ask him to apply to this House for power to give the Commissioners authority to put down such abominable practices.

Mr. Roebuck was not about to address the House upon the immediate subject of debate, but he could not but make a few remarks with reference to the speech of the hon. Member for Finsbury. It appeared that because the Poor Law Commissioners seemed to the hon. Member for Finsbury, not what he had on particular occasions in that House declared them to be, or as he had considered them formerly, he now called upon the right hon. Baronet not to allow forty-eight hours to pass before he had applied to the House for an increase of their power. Let the hon. Member then look back to the long course of invective which had been used with respect to those Commissioners, and let others regard the expressions which had been applied to them. Let them recollect how those gentlemen had been attacked as the “ three tyrants of Somerset House.” Or as an hon. Member reminded him—as a “ pinch paupers,” and that every other term of reproach had been applied to them ; and then let them reflect upon the speech they had just heard. He would ask the hon. Member for Finsbury, before he again hastily expressed his opinions on such subjects, to place more faith in those who had more accurately and carefully considered those matters. He had been one of those against whom the finger of scorn had been pointed by hon. Members, because they had ventured to support the Poor Law. He now fixed his finger of scorn against those hon. Gentlemen. There were persons who were so careless, that they did not mind what expressions of opinion they gave utterance to, so as it suited the matter in hand. When it suited one of those persons, he could talk of “ the three tyrants of Somerset House.” But again he could come round and talk, if it suited him, of increasing the power

of those tyrants within forty-eight hours. Such a course might be taken by one who sought alone for popular influence and applause, but it could not be adopted by him who entered public life with a sense of the deep responsibility resting upon his shoulders, which he thereby incurred, and who was ready to encounter the opposition of his opponents, as well as willing to meet the hostility of his friends, in the execution of what he conceived to be his duty. All he had risen for on the present occasion was to impress upon the hon. Members the magnitude of the duty which always devolved upon them, not hastily to come to any conclusion upon questions which might be brought before them, and above all, not to rely upon the arts of popularity seekers and demagogues, anxious only to obtain applause for themselves. He had seen one singular instance in the hon. Member's speech of an acknowledgment of error in his past conduct, and he hoped that it would induce modesty of conduct in those who might hereafter be called upon to express their opinion on great public questions.

Sir C. Lemon said, that as far as expressions of disapprobation went, there certainly did appear to be a condemnation of the practice of bone crushing in poor-houses, and he would not have risen but he believed that it was a particular description of labour not remarkably offensive to those engaged in it, nor in any way unwholesome. He had seen a good deal of the labour, and could speak of it, and he was sure that it was neither more unhealthy, offensive, nor injurious than breaking stones, or any other employment of that nature. He put it to the right hon. Baronet that, if he cut off that source of employment from the paupers, he should at least suggest some other means of using their time and labour. The hon. and gallant Member had told them that the first time he had ever been within the walls of a workhouse was recently, although he had heard him frequently speak upon their mismanagement, and he hoped that the hon. Member would take more frequent opportunities of enlarging his knowledge respecting them.

Mr. Wakley said, that he did not know whether it was Parliamentary or not, that improper motives should be attributed to a Member of the House. It was said by the hon. Member for Bath that he had made statements in that House for the

purpose of acquiring popularity; but he was as incapable of doing so as the hon. Member himself, or any other Member of that House. He utterly denied that he had ever acted in the manner, or with the views imputed to him; and he could declare that he had never used any language with respect to the Poor Law Commissioners, or any one else, which he was not now prepared to adopt, and to repeat. What he had said was, that if the practice to which the present notice referred were actually in operation—a practice which he had always opposed—and that the Poor Law Commissioners could not put a stop to it, he was prepared to give them sufficient power to do so immediately.

Mr. Henley declared, that he could not but feel surprised that the hon. Member who had just sat down should have thought fit to praise the Poor Law Commissioners, who were the persons who taught the Boards of Guardians to go upon the contract system at the beginning of the organization of the New Poor Law, and that a man of his quick perceptions should have fallen into the trap which had been laid for him by the right hon. Baronet the Secretary for the Home Department. Public opinion, which was the best corrector of abuses, had been expressed unequivocally on the subject before the House; and here the Poor Law Commissioners when pressed upon to interfere and do away with the system which they have hitherto gone upon, were unable to act—a natural consequence of that one-sidedness of the law which left them power to do mischief, but deprived them of the means of doing good. But with regard to this practice of bone-crushing, what was the fact? If the Poor Law Commissioners had not the honour of originating it, the credit certainly was to be given to the Assistant Poor Law Commissioners, who went about the country, saying, "What a capital mode of labour this is;" or talking to the various boards, and suggesting it—"Oh, let the people try bone-crushing, and you will be sure of keeping them out of the house." Who was the person who had the honour of having made the original suggestion he did not know, but he knew that it had originated in his county, as he had mentioned. He could not but express his surprise at the short memory of the hon. Member for Finsbury, who had now praised the Commissioners for

their treatment of medical men, but who had formerly said very different things of the Board.

Mr. *Crawford* said, that when he heard an increase of power to the Poor Law Commissioners proposed, he felt it to be his duty to protest against any such measure. He did not deny that there had been abuses with respect to the grinding and crushing of bones; but there were other means of remedying such abuses, without increasing the power of the Poor Law Commissioners. Those, and other evils, arose from the system of making the entrance into the Poor Law workhouses the sole condition of relief. He was afraid evils were necessary, but he was desirous of limiting them as much as possible; and he wished to see some better method of employing the poor adopted, whilst he was unwilling to attempt to remedy the present abuses by giving increased power to the Poor Law Commissioners.

LAW OF SETTLEMENT.] Sir *J. Graham*, in rising to move for leave to bring in a Bill to consolidate and amend the laws relating to parochial settlement, and to the removal of the poor, said—I do assure the House that I am at all times most unwilling to occupy unnecessarily any part of their time, yet when I consider the magnitude and importance of the subject which I venture on the present occasion to bring under your consideration—when I am about to explain the course which I think should be taken on this important subject, I am afraid I must claim some portion of your indulgence, for I cannot do justice to myself with reference to the extent of the changes I am about to propose, without explaining to the House the reasons which have led me to recommend those changes. When I last addressed the House on the subject I ventured to remind them of its immense importance. It is only necessary to state two or three facts to bring that importance prominently to your recollection. It is a melancholy fact, but still a fact, that no less than one-tenth of the whole population of England and Wales receive relief from the poor-rate in the course of the year. A multitude no less than 1,500,000 persons in this country receive relief from the poor-rate. The magnitude of the sum also thus paid is very great. I can bring this fact to the recollection of the House in various ways. I may state it thus: it is no

exaggeration that since the termination of the war in 1815, notwithstanding all that has been said of the neglect of the interests of the poor—notwithstanding all that has been said of the inhumanity of the law, of the culpable negligence with which the wants of the poor are regarded by the rich, independently of all private charity, and of the benefactions of our charitable institutions—since the termination of the war no less a sum has been levied from the rate-payers of this country than 200,000,000*l.*, a sum amounting to more than one-fourth of the capital of the national debt. Think, then, of the magnitude of the sum—think again of the number of the recipients—all these considerations are intimately connected with the subject which I now venture to bring under your notice. It depends on the settlement of the individual the first day he claims relief what shall be the locality in which he shall receive it; and if he happens not to be “settled” in the place where destitution arises, the next question is, shall he be relieved—shall he be removed? Now, what must be the effect upon the habits, the feelings, and all the associations of the individual who applies for relief, when, in addition to destitution and poverty, these two questions arise—shall he be relieved? and shall he be permitted to receive relief in the place where he has resided, the residence he has freely chosen, or shall he be removed from that place with which his associations and habits are bound up, to some far distant locality, in which all those ties shall cease to exist? Painful it must be to tell him that he cannot receive relief in the place where he has resided. Pardon me for thus introducing a subject so intimately connected with the interests and feelings of so large a portion of the community. Its magnitude deserves consideration, and its difficulty and importance make me diffident in proposing any legislative change. Yet I am satisfied—I am conscientiously satisfied, that important changes and modifications of the existing Law of Settlement, with reference both to the interests and the feelings of the poor, are indispensable. Actuated by that strong impression, I venture to bring under your notice the Bill which I laid on the Table of the House towards the close of last Session. And those Gentlemen who were present, and who did me the honour of attending to the remarks I made on the occasion of introducing it, will recollect that I seized with anxiety the opportunity of

the approaching recess to lay the Bill before the public, in the hope that during the recess it would undergo free discussion, and that I might receive aid from that discussion, and profit by the hints which might be thrown out. In that expectation I have not been disappointed. From various, I may say almost innumerable quarters, I have received valuable suggestions. And it is now my duty to lay before the House the result of the best consideration I have been enabled to give to those suggestions and comments. In the Bill, as I introduced it last Session, there were four subjects prominently treated. First, there was the Law of Settlement. On that branch of the subject I proposed great alterations; namely, that all other heads of settlement should forthwith, not only prospectively, but retrospectively, be repealed, and that a birth settlement should be substituted. As to the second branch, relating to removal, I need not detail the seven checks on summary removal proposed to be introduced. For the present I will only refer to one, which was the suggestion, that five years' continued residence in any locality should not give to the party so residing an absolute settlement, such as would convey the right to his descendants, but should place him in a novel situation, without a settlement, but with the privilege of irremovability. The strongest objections made to the Bill I laid on the Table last Session were, first, to the substitution of birth settlement, both prospectively and retrospectively; and, secondly, to the proposition that parties not having a settlement, but residing for five years, should be irremovable. The objections taken to the first two heads, namely, birth settlement and irremovability after a five years' residence, are very nearly of the same character and almost identical. Various objections have been taken to these propositions. It was urged that, looking to the fact that so large a number of persons as one-tenth of the whole population are, as I have mentioned, in receipt of parochial relief, a sudden and retroactive change in the nature and ground of their settlement, coupled with the prospective alteration of five years' industrial residence conferring the right of irremovability, would bring about such a dislocation of the whole system of law bearing on the interests of the poor as would, if brought into immediate operation, lead to consequences which must be deplored. It would produce liti-

gation in innumerable instances, and, on the whole, it would cause too great a shock to the established system. In cases where the property was in the hands of one or of a small number of individuals, such a change would be a strong inducement to pull down cottages, and, to use a terrible word, better understood in the sister country than in England, to "clear" estates. This would have the effect of driving the rural population from their peaceful hamlets, their small gardens, and little possessions, into the towns and more congregated masses of the labouring community. I cannot state the objections more clearly and forcibly than by reading to the House one of the memorials I have received. I might select many of the statements which have been made against this first part of the measure laid on the Table last Session, but I may be permitted, for the sake of brevity and clearness, to read a Memorial from Thetford Union, in the county of Norfolk. It is as follows:—

"The Memorial of the Board of Guardians of the Thetford Union, in the counties of Norfolk and Suffolk, sheweth—That your memorialists beg most respectfully to express their unanimous dissent from the proposed alteration in the Law of Settlement, more especially those clauses which relate to settlement by birth, and irremovability of persons after five years' residence. That with regard to settlement by birth, your memorialists are of opinion it would be a great inducement to the owners of the entire or the principal part of parishes, to clear them as much as possible of the population, by purchasing or building cottages in adjoining towns and more open parishes, where the poor would be compelled to reside, and where, of course, their children would be born, thus relieving their own parishes at the expense of others. That with respect to the irremovability of residents of five years, your memorialists consider the same objection applicable, as care would be taken to remove them before the five years' residence was completed, and that it would operate very much against the poor by forcing them from the rural parishes, where cottage rents are comparatively low and gardens easily obtained, to towns and more populous parishes, where rents are much higher. That it would also remove many from the spot where their labour is required, and thus add a long walk to their day's work."

I am bound to state that these objections are clearly laid before us, and they appear to me well worthy of being taken into consideration. It is my wish to meet these objections, after having given them the best attention in my power. I am not therefore

prepared any longer to propose that a retroactive effect should be given to birth settlement. What I now propose, with the permission of the House, is, that birth should only have a prospective effect. I see very great advantages in limiting the proposition as regards birth settlement to a prospective operation. We have introduced lately a great statistical improvement. Our mode of registering births, as recently enacted, was a very great improvement upon the former law; in the first enactment the place of birth was not inserted on the register—that was a great defect, but it has now been supplied. Every birth is now registered, and the place of birth is also recorded. This complete system of registration will, from the present time, give immense facilities for proving the places of birth, which will prove very advantageous in carrying into effect the measure I am explaining to the House. Although it is quite clear that in the aggregate the interests of town and country are, in our state of society, identical, yet it cannot be too much impressed upon the House that the interests of town and country districts with reference to rates do not always run in the same direction. It is quite clear that birth settlement is in favour of the towns at the expense of the rural districts. The towns are the great marts of industry—the great centres of capital, and they attract labour from the rural districts. Thus the town population occasionally becomes redundant on account of the supply of labour from those districts. On the other hand, irremovability after five years residence, would be a measure favourable to the rural districts, but would not confer benefit on the towns. Parties are attracted to the towns, the marts of industry, by the greater demand for labour; thus, it is clear, that conferring a settlement by five years industrial residence, would cause a great burden to the towns, and confer great advantages on the rural districts. But I am bound to hold the balance evenly; I am bound not to impose upon the towns the extra burden of irremovability, unless counterbalanced by a contract in birth settlement. Thus, I am disposed to forego these two portions of the measure, namely, no longer to insist on birth settlement being obtained retrospectively, and to withdraw the proposition that five years industrial residence should confer the advantage of irremovability. Although this proposition as to irremovability is withdrawn, I hope the House will pardon me

if I draw their attention to the great advantages which the other limitations bearing on removability will confer on the poorer classes. My object is to impose restrictions upon removal. I propose that parties should not be removable in these cases—first, in that of a man who had ordinarily resided and worked at or near the parish for five years, and who had not been convicted of felony or misdemeanour. This provision will be applicable to natives of Scotland and Ireland, as well as to the people of this country. First, I propose that no woman residing with her husband at the time of his death in the parish of his settlement shall be removable to her own parish after his death. Secondly, I propose that no widow, whether living in her husband's parish or elsewhere, shall be removable for twelve months after his death. Thirdly, I propose that no child under sixteen years of age shall be removable from its father. Fourthly, that no legitimate or illegitimate child under sixteen years of age shall be removable from its mother. And, fifthly, that no one becoming chargeable by sickness or accident, shall be placed under order of removal till he or she has received relief for forty days consecutively. I now come to that which I consider, and that which probably the House will regard, as the most important provision of the measure which I intend to submit to the consideration of Parliament. The provision which I now mean to lay before you is one of such great importance as to induce me very much to wish that some time should elapse before it becomes necessary for me again to press it upon the attention of the Legislature; for I earnestly desire that it should receive the fullest attention, and undergo the most searching investigation. When I last addressed myself to this subject, I referred to the authority of a celebrated political economist in support of the views which I took of this part of the great question now before the House; and I may again refer to opinions of Dr. Adam Smith, without any fear of weakening the position which I have taken up, and for which I feel it my duty strenuously to contend. Adam Smith doubts, and I think with much reason, whether any poor man ever reaches the age of forty, without experiencing hardship and injustice from the Law of Settlement. He thinks, and so do I, that it is monstrous for a poor man to be confined as to his residence, his labour, or his rights, within the narrow limits of a parish or a township. It is upon this prin-

ciple that I found the new and important provision which it is my intention to introduce to the notice of the House. But before I proceed further, I beg to call the attention of hon. Gentlemen to this material fact,—that there are in England and Wales as many as 14,500 parishes and townships. It requires no observations from me to show how narrow the limits are which so minute a subdivision necessarily creates; and within those limits does the existing state of the Poor Law confine and restrain the labour of the poor man. I think, and I hope the House will likewise think so, that it would be an immense advantage to the poor man, and no disadvantage to the wealthier classes, at once to remove that restriction. By reducing the number of places within which settlements may be acquired, I expect to be able to give a more free circulation to the labours of the poor. I do not propose that the whole of the 14,500 places should be rated in a mass; on the contrary, I think that a national poor-rate would be most objectionable; but I am sure that no valid objection can be urged to substituting 620 divisions for 14,500. There are in England 620 Unions. Now, if I should be so fortunate as to induce the House to substitute settlement by Unions for parochial settlement—if I can reduce the number of districts conferring the right of settlement from 14,500 to 620, I shall consider myself as having effected a great change for the better, and as having bestowed an immense advantage upon the ratepayers, and upon those who may become the recipients of those rates. The House, I am sure, will not overlook the fact, that in what I now propose there is nothing new—certainly nothing new in principle, because from the time the Act of Elizabeth was passed, down to the reign of Charles II., the law of parochial settlement was unknown. When a general amendment of the Poor Laws took place in the reign of King William IV. a great change was made, and in that change I for one concurred; and I was one of those who most especially desired to see the principle of settlement according to Unions fully established and recognised. With the leave of the House I propose now to read the thirty-third section of the Act by which this important alteration was effected:—

“And be it further enacted, that in any Union already formed, or which may hereafter be formed, in pursuance of or under the pro-

visions of this Act, it shall and may be lawful for the Guardians elected by the parishes forming such Union, by any writing under the hands of all such Guardians, to agree, subject to the approbation of the said Commissioners, for or on behalf of the respective parishes forming such Union, that for the purposes of settlement such parishes shall be considered as one parish.”

That Clause, as the House will see, was not a binding or a compulsory enactment, but on the contrary, was a permissive Clause, and we who were the promoters of the measure indulged a hope that that provision would voluntarily be carried into general operation; but it unfortunately happened, that to carry the intention of this Clause into full effect, it was necessary that in all cases the consent of all the Guardians must be previously obtained, and thus was this Clause rendered nugatory. It will be seen that Parliament adopted that principle; but, if the principle be a good one, it should be adopted universally and simultaneously; and if this principle be adopted, I am prepared to state the mode by which I propose that it should be carried into effect; but before I state that mode I wish to sustain the position which I have taken up by authorities from various quarters—authorities both from towns and from rural districts, all of which plainly suggest the course that I am now resolved to recommend to the House. They all agree that the change which I now propose will be of immense advantage to all parts of the country, and to every class of the community. I am, aware, however, that I should weary the House if I went through the whole of the authorities with which I have thought it well to arm myself. In order, therefore, not to exhaust the attention and the patience of hon. Members, I propose to confine myself to four authorities on this important subject—four authorities selected from a far greater number which have been supplied to me. The first to which I wish to direct the consideration of the House are Resolutions passed by the Board of Guardians of the Blything Union, on the 27th of January last, and they are in these words:—

“1. That it is the opinion of this Board that all parochial settlements are bad in principle, and tend to oppress the labouring man unjustly.

“2. That, in order to provide a remedy for this evil, it is absolutely necessary that the system of parochial settlement be entirely abolished; and, in lieu thereof, that districts be formed of whole Unions, for the

purposes of settlement and the general management of the poor."

Those Resolutions, I think, will be viewed as evidence of a very strong kind; but the next authority which I have to produce will not, I expect, prove to be less weighty; it consists of observations made on the Bill by Mr. Francis Cooper, assistant-overseer, and Mr. William Royston, relieving officers of the Manchester Union, men of great practical experience in this matter, and these are the terms in which they pronounce their opinion:—

"Whatever course, however, the Legislature may deem most fit to take in reference to these important matters, we would most strenuously urge upon those in authority, if they wished to make the present or future Unions more beneficial, the absolute necessity of making all the townships in a union as one for the purpose of settlement and assessment. As the law now stands, one part of a Union can remove paupers to another, and enter into litigation, as if they had no connexion. It destroys that feeling of mutual interest and identification which should exist; and each Guardian gives his attention (more or less) exclusively to the cases and interests of his own particular township."

I shall now, with the leave of the House, read an extract from the Report of Mr. Hall, one of the Assistant Poor Law Commissioners, who had the charge of the metropolitan district, and also instituted very strict and minute inquiries for the purpose of enabling himself to make a correct and useful Report. Mr. Hall gives his Report in this form:—

"Much of the difficulty that I expected would follow the administration of the Law of Settlement, according to the provisions of this Bill, would be done away with, if settlement were not a parochial accident, but were made to relate to unions or rather larger territorial divisions—as, for instance, the City of London, the City of Westminster, and the several metropolitan Parliamentary boroughs. There is a growing opinion that rating as well as settlement ought to be more widely and so more equally spread, that is, over districts, instead of parishes."

I beg leave now to trouble the House with one more extract; it is from the able Report furnished by the Society of Clerks of Unions in the northern district of England. They set forth the district to which their Report refers, and with which they are officially connected, and they conclude by an expression of their opinion on the subject now before the House. The places named in the Report are as follows:—

VOL. LXXVII. ^{Third} Series

"Altrincham, Bolton, Bury, Bakewell Burnley, Chorlton-upon-Medlock, Chorley Congleton, Chapel-en-le-Frith, Huddersfield, Hayfield, Kendal, Leek, Manchester, Macclesfield, Northwich, Nantwich, Prescot, Stockport, Stoke-upon-Trent, Wigan, Warrington, West Derby, and Wolstanton, and Burslem."

They then proceed to say:—

"That for the purposes of relief and settlement, the distinction of parishes and townships should no longer exist, and that each Union should become liable for, and chargeable with the relief and maintenance of its poor."

I am quite aware that the House cannot by a single measure remedy all the evils, or even the anomalies of the Poor Laws; but I know not of any single proposition calculated to produce so many and such great advantages as that which I now bring forward for the adoption of the House. There is none by which unjust restriction can be more effectually removed—none by which labour can be made more beneficially to circulate. As to the particular mode in which these objects are to be effected, I propose that in all cases where dispute, or the probability of litigation may arise, proceedings shall be carried on by the Guardians of Union, and not by the parochial authorities. I propose at the same time, to retain all the other provisions of the Bill which I brought in during the last Session of Parliament, and I propose also to retain the principle of amicable arrangement in cases of doubtful settlement; to allow of its being adopted in every case where it was admissible under the former Bill. To this I may add, that I propose to remove the discretionary power from the local or parochial authority to the General Board of Guardians. From this I expect that the poor of all classes will derive great advantage. I quite admit that all anomalies cannot be remedied by the plan which I propose, but I think and hope it will go much further towards effecting that object than any single suggestion which has yet been made. And now with regard to the distribution of the burden,—that which I mean to suggest is, that in every Union an average of the rates should be taken during the seven years antecedent to the month of March, 1844, and that this average should regulate the relative proportions payable by each component part of every union; and this, as I said before, it to be computed upon an average of the seven years preceding Lady-day, 1844. I do not deny that the fluctu-

ations of trade have in many cases rendered unequal the burdens borne in different parts of the country; manufactures ebb and flow: they have been transferred from Wiltshire into Yorkshire; and in one place there may exist manufacturing prosperity with undiminished means of support, while in another those means may have altogether vanished: but my plan will benefit the poor without doing injustice to the rich. I feel that I should weary the House if on the present occasion I were to set forth all the advantages which I anticipate from the proposed scheme; but, entertaining the opinions which I do, I submit this plan to the consideration of the House with perfect confidence. I wish it to be understood that I have no intention of pressing this measure to a second reading till there is time to collect the opinions of persons best informed upon these subjects, and I commit the plan to this examination with entire confidence as to the merits of the measure. I commit it to the favourable consideration of all men of humanity who have hitherto laboured sedulously to promote the well-being of the poor; and especially I commit it to the protection of those whose sense of justice would lead them equally and fairly to distribute a burden intended to sustain sinking humanity, and which ought to be levied on the rich for the defence of the poor; finally, I commit the measure to the consideration of hon. Members now present, in the full confidence that it will be found not altogether unworthy of the adoption of the House.

Colonel Wood said, he would take the earliest opportunity of expressing his regret at having heard his right hon. Friend propose the last article of his measure. He would give his right hon. Friend credit for the attention which he had paid to this important question; but he had no doubt that the substitution of Union for parish settlements, instead of being a benefit to the poor man would prove the greatest injury that could be inflicted on him, for then there would be no disposition among those well to do in a parish to take care of their poorer neighbours, and to set them to work, as those who could not get employment would be thrown on the Union; and whenever a time of difficulty should arise, they would find vast numbers of persons thrown on the rates because they were Union and not parochial rates. He was surprised to hear his right hon. Friend say that there had been no parochial set-

tlement till the 13th and 14th Charles II. c. 18, as the fact was that even in the early part of the reign of Elizabeth there was a parochial settlement gained by three years' residence; and by the 30th Elizabeth, c. 21, a poor man was directed to be sent back to where he had been one year settled. He regretted that his right hon. Friend had given up that part of the Bill which conferred a right of settlement after five years' residence. In 1833 he had made an attempt at legislation on this subject, which was supported by the present Lord Spencer and the late Lord Abinger. What he proposed then was to make every man who had been resident for a year in a parish entitled to parochial relief. If this Bill should proceed, what he would propose would be that every man who had been resident in a parish for a year should be relieved as one of the parochial poor. The effect of this would be to set at liberty all those who were now tied down to their respective parishes through fear of being removed. The proposal of his right hon. Friend that birth should give a right of settlement, would not remove the complaint of the poor man, that, after passing the best years of his life in industrious labour in one part of the country, he might at the end of his life be thrown back on a parish where he was then a total stranger, merely because he had been born there. [Sir J. Graham: But you forget the restrictions on removal.] Some of them were in existence already. Under the present law a woman was not liable to be removed from her husband. There was one clause in this Bill to which there could be no objection—that under which a widow could not be removed from the parish where she had been resident with her husband for a year. He considered that letting every person who had been resident in a parish for a year be relieved as a casual pauper would remove much of the difficulty and hardship existing under the present Law of Settlement. There was another point to which he would advert. Formerly every man who paid a poor rate obtained a settlement; but this was afterwards limited to persons rated at 10*l.* a year. The consequence was that now the poorest persons in a parish were obliged to contribute to the rates as well as others, and those who acted as justices of the peace found the greatest difficulty in saying who should be compelled to pay the rates. To do away with all parochial assessments and substituting for them Union assessments, making

the poor belong to Unions and not to parishes, would have the effect of entirely destroying all the care that parishes had hitherto exercised over their own poor. The complaint would be, as it was now of half the parishes, against the charges of these Unions. The parishes which really took care of their poor, which managed their poor kindly and set them all to work, and upon which they were a very small charge, would become a Union, and would have none of the inducements to continue that care; and he was satisfied when this proposition came to be known, that it would meet with great objections from very many parts of the country. He conceived that he should not be performing his duty if he had not stated this. He should wish that residence, and residence alone, should entitle a man to a settlement; and if the Bill proceeded further, he should feel it to be his duty to propose a clause by which every person who was resident for one year in a parish should be relieved as casual poor, and not be passed out of such parish. If that were done he was convinced they would very much ameliorate the present Law of Settlement, do away with a great many grievances under which the poor now laboured, and prevent the still further complication of an already complicated enactment.

Mr. *Bright* was quite of opinion with the hon. Member for Brecon, that when this proposition of the Government became known throughout the country, there would be a very strong opposition manifested to it. Still he was inclined to hope that there would be a disposition to co-operate with the Government in endeavouring to arrive at some better settlement of the question than that which now existed. Though he looked upon this new measure with some fear, and he might perhaps say with some little suspicion, yet he confessed he had seen in the county in which he lived, cases of hardship so terrible that he should be very glad indeed to co-operate with any party in arriving at some settlement which might remove what he could not help regarding as a disgrace to the country in which we live. He was not surprised that the hon. Member should remark on the Government withdrawing the clause by which removal was prevented after a residence of five years in a parish. He could assure the hon. Member that that clause would have met with the most strenuous opposition from all the towns in the kingdom; and he believed there would

have been no good in the Bill which would be deemed a sufficient compensation for the evils such a clause would have created. It might not be known to the hon. Member that it had been the practice for a long time for landed proprietors in almost every part of the country, to be very anxious that there should not be residing upon their estates and in their parishes a larger number of labourers than their tenants could easily employ. That number had been very small in many districts, owing to the extremely bad cultivation of the soil; and all kinds of tricks and manœuvres had been practised in the country parishes to prevail on the labourers to settle in towns. Now he lived in a township which had a very light poor-rate—not more, probably, than from 9d. to 1s. in the pound in the year. Some time ago it became the duty of the relieving officers of that township to send a labourer and his family back to the township or Union of Reith, near Richmond in Yorkshire. As soon as the order had been made and the preparations completed for removing the man and his family, he received from the clerk to the Guardians of the Union to which he belonged a Post Office order for 20s., which was paid him on condition that he removed from the township which was about to remove him, over the border to the next township, that he might escape the legal proceedings which were taken to obtain his removal to his own parish. The Post Office order was inclosed in a letter which was as follows:—

*“ Reith, near Richmond, Yorkshire,
10th October, 1842.*

“ Anthony Pratt,—I send you this sovereign on the conditions you state in your letter—namely, to remove to another township. On receipt inform me.

Yours truly;

“ JOHN ALDERSON.”

There was the letter, and there the Post Office stamp upon it! But there was another fact, this man was removed by the relieving officer of the township he lived in, and at a great expense he was taken from Rochdale to the Richmond Union, to some station on the railway between York and Darlington, and thence by some conveyance to the Union house, where the Board of Guardians was sitting. When the pauper and his family arrived, they were delivered into the care of the Guardians, and the Rochdale relieving officer returned the same afternoon; but he had scarcely gone one mile on his journey home before he over-

took this family of paupers on their way back to Rochdale. Thus the Guardian to Richmond had not had the pauper in their possession for more probably than three hours before they began to bargain with the man as to the sum it would be necessary to pay him in order to get him to return to Rochdale. They accordingly paid him a certain sum, and prevailed on him to go back: he went back, and was seen in Rochdale some two or three days afterwards. He stated this for the purpose of showing that with the enormous pauperism at present existing in the country, it was an extremely difficult matter to settle the pauper at all; but it would be an exceedingly unjust thing that means should be given to the landed proprietors to expel the labourers from their estates and parishes, and settle them in towns, after the lapse of a very short period. He had no objection to it, provided these towns were fairly treated, and not subjected periodically to fluctuations in trade, which compelled them in self-defence to throw back on the parishes, in the most cruel manner he confessed, a considerable number of those who in prosperous times were employed by them. The right hon. Baronet, in the latter part of his speech, described the mode in which he intended to fix the rates in the Unions for the future. He understood the right hon. Baronet to say that each township or parish in a Union should in future pay a proportion of the rate equal to the proportion which it had paid for the seven years before the passing of the Act. There seemed to be fairness in that, if all parts of the country were as stagnant as many parts were; for instance, in the county the right hon. Baronet was politically connected with, where he dared say there were townships in which the population remained pretty nearly the same from generation to generation; but let him inquire of any person acquainted with the manufacturing districts, and he would find that that state of things would be absurd and unjust in the course of a few years. For example, a township at this moment might have almost no rates and no population, and in ten years time it might possess three or four large manufacturing establishments, or coal pits might be opened, and thus in either case draw a very considerable population. This might require great changes; but, if he understood the right hon. Baronet, in this new township, with its great population, and large amount of rateable property, the rates would not increase in proportion

to the increased necessities of the place; and he was therefore inclined to think that that part of the Bill would be found to work with very great difficulty, or possibly not at all. He was not disposed to find fault with the Bill: he admitted the gigantic nature of the evil which Government proposed to remedy, and he certainly would give the subject the utmost consideration, hoping that it would be treated calmly and without irritation.

Mr. Henley said, that if the view he took of what had fallen from the right hon. Gentleman were correct, this was the first step to break up the parochial system of England. The country had for several years past seen the parochial system strongly contrasted with the Union system, and in many parts of the country the parochial system appeared in a very favourable point of view, when so contrasted. To this measure, then, as the first attempt at breaking up that system, he could not give an unqualified assent. How far were they to go, in breaking up the parochial system in this country? For ecclesiastical as well as pauper purposes, the same arguments might be used in order to destroy the parochial system; it was somewhat strange, he thought, that the Government should apply what he must consider a small remedy to a great evil. What were they going to do with the poor man? Their object ought to be to let him go wherever he could get a better market for his labour. This system of Unions would not effect that; it would not enable him to go from Hampshire to Cornwall if he liked; but that was what he wanted to be able to do. For some time the Legislature had been making it impossible for the poor man to get away from the spot where his father and he were born; the Bill went certainly to enlarge these little spaces, but the remedy was too small, for what the poor man wanted was to be able to go all over England with his labour to sell. He must enter his protest against the commencement of the destruction of the parochial system of England.

Mr. Brotherton did not wish to consider this measure with regard to the manufacturing districts exclusively; on the whole he was sure it was conceived on a principle which was very much in favour of the poor man. The measure was a great improvement on the Bill of last Session, particularly as to the settlement within Unions. The removals from one parish to another within the same Unions were at present a

source of difficulties and hardships which it was desirable to avoid. He had always been of opinion that there should be an equitable rate for the support of the poor, but he was aware of the difficulty of accomplishing that object in all cases. In the district where he resided, no cottage under a certain value was allowed to be erected, while in a neighbouring township the case was very different, and the consequence was a proportionate burden on the rate-payers. It was from that quarter that the gentry, who resided elsewhere, obtained their servants. For this reason he thought it was equitable that the rate should be made for the whole Union. He could see the reason why the right hon. Baronet adopted the plan he had proposed. It had been remarked that there were some townships containing very few inhabitants, which in a few years might become very populous, while others would not increase much. But if the rate was to be founded on the data furnished by the seven years preceding the year 1844 or 1845, and the rate made thereon was to remain for ever, he thought it would not be an equitable rate. He should therefore hope that there would be a periodical revision of the rate, say every seven years, so as to make it equitable. He was disposed to think this a measure which would give satisfaction, and be beneficial to the country, and therefore he would throw no obstacle in the way of its passing.

Viscount *Ebrington* was reminded by what fell from the gallant Member of a subject which he wished to press upon the attention of the right hon. Baronet. These small tenants generally got exempted from the payment of the rates; and thus the share which their landlords properly ought to bear, was thrown upon that of the neighbours. The general outline of the measure, he must say, he heartily approved of; the right hon. Baronet had, in fact, proposed to grant really a great boon to the working population of this country. He wished here to correct an error which some hon. Gentlemen had fallen into, in supposing that it was no boon to the labourer to allow him to change his place of abode, in order to seek for work within the Union, because there were some districts in which, within a short distance, there was a great disparity of wages. He rejoiced that the right hon. Baronet, with the apparent assent of the House, had thought fit to give some credit to a much maligned class of persons—the political economists.

He hoped the same charity would be extended to the Poor Law Commissioners and to their Secretary, Mr. Chadwick, who was doing all in his power to advance the sanitary and moral condition of the poor. There was another thing he wished to suggest to the right hon. Baronet. A difficulty was likely to arise in the Union with which he was connected. The furthest point now allowed in combining Unions together for the establishment of district schools was fifteen miles. That rule formed a complete barrier to the plan. He was sure he need not urge on the House the propriety of sparing no expense for the proper education of the rising generation, upon whose character must depend the future welfare of the Empire. The means of giving education within the walls of a small Union-house were necessarily very defective, while to do it effectually required an expense and apparatus which would suffice for a larger number of children. He trusted the right hon. Baronet would take this subject into consideration, and see if he could not in some cases extend the limits within each district in which schools might be established. He thanked the right hon. Baronet for his measure, and would give it his support.

Mr. *E. B. Denison* thought that the country must feel under great obligations to the right hon. Baronet for his attempt to deal with the present Law of Settlement; for no law could be more absurd in its provisions, or more cruel in its operation.—What, for instance, could be more absurd or cruel towards a man, who had been born and brought up in a town, than that he, upon his unfortunately becoming chargeable, should be liable to be removed, along with his wife and children, to some distant parish, the name of which he perhaps never heard of, because neither he nor his father, nor his grandfather, had ever gained a settlement in the parish in which he lived.—Nothing was more certain, than that a man removed from a parish, where his habits had been formed, and his employment of a settled character, to another parish where no similar employment could be found, remained along with his family a burden upon the parish for life. The present Bill of the right hon. Baronet met this case half-way—but not more than that; for, although it did not refer back to the birth-place of the father or grandfather, it did to that of the man himself; and he, therefore, along with his young family, would be liable to be removed to the place of his birth, on becoming charge-

able, although he might have lived and worked several years in another parish.—The Bill circulated during autumn contained a clause to the effect, that if a man resided for five years in a parish, he should not be liable to be removed therefrom, although he had not been born there; this was a reasonable and humane provision. He (Mr. Denison) should have preferred three years to five, or one to three. But this clause was now struck out, and the pauper would have to depend solely upon his birth settlement. It was most desirable that the birth-place should be the general place of settlement; but still he thought that a working man had a fair right to ask for support in that parish in which he had worked as an industrious, honest man for three years; and that he should not be liable to be sent back along with a young family to the parish which he might have left as a boy; but that he should be entitled to relief in that parish where his children were born—provided he had resided there for three or at most five years. Although he very much preferred the Bill of last autumn, he thought the present one a great improvement upon the existing system, and he should therefore give it generally his cordial support.

Sir J. Graham, in reply, thanked the House for the favourable reception they had given to his Bill. He must say, that when he made the proposition he was almost alarmed at the great extent of it, and certainly he was astonished at the observations which had fallen from two hon. Gentlemen, whose objection was, that the measure was still insufficient. The hon. Member for Oxfordshire had said that the change, to be effective, should impose no check upon the Hampshire labourer wishing to go to Liverpool, or on the Norfolk labourer wishing to go to Manchester. Why, if that principle were adopted, it would amount to a total repeal of the Law of Settlement. Then, the hon. Member for Yorkshire had urged, that wherever a party resided, for however short a period, he should there have a settlement. That, again would be the total abolition of the Law of Settlement. Such extensive propositions could not be entertained; and, with respect to what had been said by the hon. Member for Brecon, he would answer that by referring to the Act of 13 and 14 Charles II., sec. 12. What were the words of the Act?—

“Whereas the necessity, number, and con-

tinual increase of the poor, not only within the cities of London and Westminster, with the liberties of each of them, but also through the whole kingdom of England and dominion of Wales, is very great and exceeding burdensome, being occasioned by reason of some defects of the law concerning the settling of the poor, and for want of a due provision of the regulations of relief and employment in such parishes or places where they are legally settled, which doth enforce many to turn incorrigible rogues, and others to perish for want, together with the neglect of the faithful execution of such laws and statutes as have formerly been made for the apprehending of rogues and vagabonds, and for the good of the poor: for remedy whereof, and for the preventing the perishing of any of the poor, whether young or old, for want of such supplies as are necessary, may it please your most excellent Majesty, that it may be enacted—and be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and the Commons in this present Parliament assembled, and by the authority of the same, that whereas, by reason of some defects in the law, poor people are not restrained from going from one parish to another, and, therefore, do endeavour to settle themselves in those parishes where there is the best stock, the largest commons or wastes to build cottages, and the most woods for them to burn and destroy, and when they have consumed it then to another parish, and at last become rogues and vagabonds, to the great discouragement of parishes to provide stocks where it is liable to be devoured by strangers: be it therefore enacted, by the authority aforesaid, that it shall and may be lawful, upon complaint made by the churchwardens or overseers of the poor of any parish to any justice of the peace, within forty days after any such person or persons coming so to settle as aforesaid, by their warrant to remove and convey such person or persons to such parish, where he or they were last legally settled, either as native, householder, apprentice or servant, for the space of forty days at the least.”

[Colonel Wood: “Hear!” Forty days’ residence previous to that Act!] From the time of Elizabeth down to that Act the Law of Settlement was unknown. Parties wandered from parish to parish, attracted by woods and commons and other advantages, of which, as rogues and vagabonds, they made themselves masters; and the justices were directed to send them to the parishes whence they came. Until the passing of the Poor Law Amendment Act the administration of the fund for the relief of the poor was strictly parochial. The parochial administration thus ceased, the union administration then began. Therefore there was nothing new in the principle of the

Bill. It was a mere extension of the details. He would only detain the House to notice the two observations of the noble Lord the Member for Plymouth (Viscount Ebrington). First, with regard to the district schools—this question was much discussed when the enactment passed last year; he had purposely so framed the distances in that measure that it was only applicable to large towns and to populous places. He believed that as yet there had hardly been a district school formed under the Act, and it was desirable to have some experience of its working before the principle was extended further. Then, with respect to the rating of small tenements, he did not wish to encumber the question of the Law of Settlement, in itself a very difficult subject, with the additional difficulty of the question whether in rating small tenements the burden should fall on the landlord or on his tenant. That subject would properly come under discussion when the not less important, and certainly not less difficult, question of rating should be considered; and he hoped the noble Lord would think he had acted with prudence by not involving one difficult question with another.

Mr. Wakley had only one word to say, in consequence of the right hon. Baronet having alluded to the favourable manner in which the Bill had been received. In offering no opposition to the introduction of the Bill, he did not wish it to be inferred that he was favourable to its provisions. It was a tremendous measure: it was a measure of enormous importance, and it was an attempt to break up the parochial system in this country, which, if carried into effect, would, he believed, operate in a very extraordinary manner on the social condition and feelings of the people of this country. The hon. Member behind the right hon. Baronet had feared that it would lead to something else, and in another direction. What he feared was, that it would have a direct tendency towards perpetuating the power of the Poor Law Commissioners [Mr. Roebuck: Hear, hear], and render permanent an Act of Parliament which he would like to see expunged from the Statute Book to-morrow—he meant, the Act of the 4th and 5th William IV., commonly called the Poor Law Amendment Act. He understood the cheer, the taunting cheer, of the hon. and learned Member for Bath: it was one of that learned Member's peculiarities; he understood the cheer well, and he did not

choose to be subject to misrepresentation, nor would he have paltry and contemptible motives attributed to him. He had very lately alluded to evils which existed under a Poor Law Union, and he had been told that the only way in which they would be able to remove those evils was by an increase of the power of the Poor Law Commissioners, on which he had declared that he was prepared in forty-eight hours to give such a power for such a purpose, and so he was. The right hon. Baronet the Secretary of State for the Home Department had cheered, and had ardently cheered, his reference to the oppressive and occasionally cruel conduct of the Boards of Guardians; and in his subsequent introduction of this Bill the right hon. Gentleman had appealed to the greater humanity which would mark the conduct of persons in authority when the removing-officer was selected, not from the parochial officers, but from the Union. Now, it was universally known in the country that the tyranny, the oppression, and the cruelty, which had especially marked the mal-administration of the Poor Law, wherever such mal-administration had been observed, was found to be produced by the Board of Guardians. They acted as a corporation, their responsibility was extended over the mass, they never came to a decision in the presence of the poor, the rate-payers were not admitted to their meetings, the press was not allowed to enter, their meetings and acts were entirely private. He thought it dangerous to bestow more power on a body so constituted. He had just given a specimen of what he believed existed under the Boards of Guardians, and the right hon. Gentleman had expressed in earnest terms his regret that there should be such practices; and regretted that more power was not given to the Poor Law Commissioners to prevent them. Seeing, however, the conduct of the Boards of Guardians, and seeing that they acted without individual responsibility, he feared that this measure, although it might contain many desirable provisions, would operate on the whole disastrously for the country, and especially on the condition of the poor.

Leave given.

MAIL EXEMPTIONS FROM TOLL.] Viscount Ebrington, in rising to bring under the notice of the House the injury done to turnpike trusts by the large exemption from tolls given to conveyances carrying letters, referred to the petitions on this

subject presented last year, and especially to the petition from South Molton, in which it was stated, that the exemption of the mails added materially to the expenses of the trust; that few letters were conveyed by some of these mails, the greater part of which did not even carry a guard, although the Act of Parliament, giving the exemption, could not have contemplated any such case, inasmuch as it provided that no one should sit by the guard, and setting forth that the saving to the Post Office was slight by the arrangement, and, although the loss to the turnpike was serious, there was little benefit to any one except the coach proprietors. A similar petition had been presented from Barnstaple; he had received letters from Kendal, from Devon, from Lincolnshire, and from Shropshire, with like complaints; and, although the condition of the turnpike trusts in general was so unsatisfactory, the right hon. Gentleman had introduced a Bill somewhat of a confiscatory character with respect to them; he had left these abuses untouched. In the Report of the Commission of Inquiry in South Wales, no small part of the abuses there existing arose from this cause, and the Commissioners particularly noticed the hardship. Mr. Stacey, of Carmarthenshire, stated the loss on one line of road to be 428*l.* a-year, or one-third of the whole cost of the repair charges; and when the road was out of order the Post Office was the first to complain. Other witnesses confirmed this complaint; and in Lord Lonsdale's evidence before the Post Office Committee he had said, there was no general rule as to subsidiary mails; when the tolls were heavy the exemption caused the contracts to be taken at a lower rate, sometimes gratis. In making the contracts their operation on the turnpike trusts was, indeed, taken into consideration, but only secondarily, and no communication was ever made to them previous to the establishment of these subsidiary mails. Whether it were the intention of Her Majesty's Government to introduce a general measure to regulate the turnpike trusts he did not know; but whether this were the case or not, he could not but think that some previous legislation was necessary to limit the exemption from toll of coaches carrying letters, which were not unfrequently drawn by four or even six horses, when the letters were very few indeed, not more, sometimes, than might be carried in his hat. If he were permitted

to introduce his Bill, he would limit the exemptions from tolls in the case of subsidiary mails to the number of wheels and of horses which should be deemed reasonably necessary for the performance of the duty: thus, if a mail cart would be sufficient, he would limit the exemption to one horse and two wheels, instead of four or six horses and four wheels. Under the circumstances he had detailed he would have been quite prepared to leave the matter in the hands of the Government, but having for several Sessions in vain endeavoured to persuade them to interfere, he should move for leave to bring in a Bill to limit the exemption from turnpike tolls enjoyed by all conveyances carrying any part of Her Majesty's mails.

Mr. *Heathcote* having on a former occasion drawn the attention of Parliament to the subject of the noble Viscount's Bill, was glad to avail himself of the opportunity to second the Motion. It appeared to him to be extremely unjust to tax a poor locality for the sake of the community. A desire had been expressed to relieve the farming classes from some of the heavy burdens which pressed upon them. On the farmers the tax in question fell with peculiar force, for they supported the whole expense of maintaining the roads. He had observed the same evasions practised as had been pointed out by the noble Lord. Stage coaches were exempted from tolls amounting to several hundreds per annum by reason of their carrying a letter-bag, which often contained no more than two letters, and which the coachman's pocket was sufficient to hold, whilst on the other hand they were loaded. The noble Lord despaired of effecting the change he desired. He (Mr. *Heathcote*) was sorry for that; he was quite confident if the Government looked into the matter they would find it a subject worthy of attention, and the grievance one proper to be redressed. He begged to second the Motion.

The *Chancellor of the Exchequer* was extremely sorry he could not give the noble Lord the satisfaction he desired of intimating his consent to the measure which he had proposed to bring in. Whatever might be the inconveniences to which the noble Lord had referred, the House could hardly consider them sufficient to induce Parliament to subject all Her Majesty's mails to a heavy burden such as that of tolls. The exemption enjoyed by the mails was already of a comparatively old date, going so far back as the year 1785. A

specific Act of Parliament of that year limited the exemption from turnpike tolls to mails, and since that period many turnpike roads had been laid out and constructed in the full knowledge that such an exemption in favour of this class of carriages existed. The hon. Member opposite had made a grievance of the circumstance that the whole burden of maintaining these roads fell upon the local ratepayers. The hon. Member ought to bear in mind that those who suffered in their pockets from having to support the cost of the wear and tear of the roads, enjoyed a far more than corresponding benefit in the increased traffic which these roads brought into their vicinity. Lord Lonsdale's evidence, which had been referred to, also contained a special reference to the point, whether the burden imposed by the exemption of mails from turnpike tolls was not far more than compensated to the ratepayers by the benefit which the localities traversed by those mails derived from them. To repeal the privileges enjoyed by the mails in respect to turnpike tolls would be in effect merely to transfer from the public purse into the pockets of individuals the sum of 50,000*l.* per annum; and he would put it to the noble Lord whether the advantages which would be derived from this change would in any way compensate for this sacrifice. For these reasons he must, with regret, refuse his assent to the Bill proposed by the noble Lord.

Motion negatived.

House adjourned at a quarter past twelve o'clock.

HOUSE OF COMMONS,

Wednesday, February 12, 1845.

MINUTES.] NEW MEMBER SWORN.—For Stamford, Right Hon. Sir George Clerk, Bart.

PETITIONS PRESENTED. By Mr. Christopher, from Solicitors of Alford, against the Stamp Duty on Attorneys' Certificates.—By Mr. W. Williams, from Gravesend, for Repeal of Window Duty.—By Sir H. Smyth, from Physicians and Surgeons of Colchester, and by Mr. S. Crawford, from Rochdale, against, and by Mr. Hastie, from Renfrew, and 9 other places, in favour of the Medical Practice Bill (1844).—By Mr. Hindley, from Peace Society, against Increase of Naval and Military Establishments.—By Mr. Aldam, from Kippax, and Newnham, and from Baptist Denomination of the Parish of Ystradgunlais, county of Brecon, for diminishing the number of Public Houses.

THE EARL OF MALMESBURY — THE DORCHESTER RAILWAY.] Captain *Harris* hoped he should be excused if he noticed some injurious rumours which had been spread relative to the part taken by a noble Relative, and by himself, with reference to the Dorchester and Southampton Railway.

The insinuation that he and his noble Relative influenced the decisions of the Board of Trade appeared, no doubt, very ridiculous to Members of that House, but it might have some influence with the vulgar. The statement made by an hon. Member last night tended to strengthen these rumours; he hoped, therefore, he should be allowed to refute them by a plain recital of facts. About a year since the undertaking was commenced. The proposal for such a line was communicated to his noble Relative and himself, and both saw its great importance, not only in a local, but in a national point of view. As an Officer in Her Majesty's Service, he was anxious for such a line, not only as regarded the town which he represented, but also as a means of placing the defence of the country in a more efficient state. By having a line of railway along the coast, troops of cavalry might be easily brought from the barracks at Christchurch to act in defence of Lymington, Poole, and Southampton. On such public grounds, he entered warmly into the support of this line. There was a preliminary meeting at Southampton in May. At that meeting, his noble Relative and himself attended. The second meeting was held in July, in Dorchester; and there was passed a resolution appointing a committee, and declaring that every member of it should hold 500*l.* worth of shares. His noble Relative was exempted from this regulation, on the ground of his having charge of the line in the House of Lords. He himself had declined taking any shares. In the course of last autumn, several meetings were held at Christchurch, Lymington, and in other places. There was some objection to the line passing through the New Forest. He saw no more objection to a railroad than to a turnpike-road. On the Members for South Hants declining to promote the undertaking, his noble Relative undertook to hold the usual intercourse with the Board of Trade. He saw his noble Relative immediately after his interview with Lord Dalhousie, whom his noble Relative represented to have said, that he could not yet decide which line was the best, but that he should be guided only by what the public interest required. It was said in the debate last night that some time before the decision of the Board as to this line was announced, it was well known what it would be. Now, he must say, no such certainty was felt in the part of the country wheae he he lived; on the

contrary, the prevailing rumour of the day was unfavourable to the Southampton and Dorchester line. He thanked the House for the attention and indulgence with which they had received this explanation.

THE CANADIAN ELECTIONS.] Mr. *Roe-buck* rose, according to his notice of the previous evening, to ask the Government a question relative to the late elections in Canada. It was one which he put with great reluctance, because the present system of Government could only be looked on as an experiment, and he was unwilling prematurely to express any opinion as to the proceedings which were going on. Circumstances had occurred, however, which now induced him to allude to the subject. During the last year Sir C. Metcalfe dissolved the Parliament of Canada. New elections took place, at which, particularly in Montreal, disturbances had occurred. A Petition had been presented to the Legislature of Canada, complaining of the legality of the election, and impugning the conduct of the Returning Officer, the Sheriff of Montreal. That subject was at the present moment under the consideration of the due and proper tribunals, and what he wanted to know was this—whether Her Majesty's Government had any peculiar circumstances to state or lay before the House, for the purpose of explaining the conduct that had been pursued on the part of the Colonial Secretary, with respect to the Returning Officer of the city of Montreal. He had been given to understand, and he wished to know whether such was the case, that, notwithstanding the complaints that had been made against the Returning Officer, the Secretary for the Colonies had advised that Her Majesty's thanks should be given to him. He wished to know whether the statements that had been made to him were true; namely, that the thanks of Her Majesty had been given to the Returning Officer of the city of Montreal at a time when his conduct was under the consideration of the proper tribunal—the House of Assembly? And if that question were answered in the affirmative, the next question he should wish to put would be, whether there would be any objection to lay before the House the despatch in which those thanks were conferred, so that the House might know the circumstances under which the Colonial Secretary had taken so extraordinary a step?

Mr. *G. W. Hope* said, that as the hon. and learned Member had not particularly addressed the right hon. Baronet at the head of the Government, perhaps he (Mr. Hope) might be permitted to answer the question. With reference to the Election Petition said to be pending, he knew nothing of it, as they (the Colonial Office) got no notice of the proceedings of the Canadian Assembly, except by the transmission of the journals at the termination of the Session, and the Executive did not interfere with these proceedings. What he did know he would state very shortly, and he should be quite ready to produce the papers required. It appeared, that previous to the election at Montreal, an application had been made by the opposition candidate, in which he stated that the stipendiary Magistrate thought it would be advantageous to commence polling under military protection. To this the Returning Officer would not consent, and in no case was military aid resorted to until all other means had failed, and it became absolutely necessary. It was true that preparations were made to prevent any disturbance taking place, large numbers of workmen being expected to interfere. They did come in, the military were in readiness, but they acted upon one occasion, and one only. With reference to these transactions, the stipendiary Magistrate's Report concluded by stating that every effort and arrangement had been made by Mr. Young, the Returning Officer, to secure order and free access to the poll for both parties, and that his efforts were so successful, that though a disturbance ensued, not a single life was lost. He believed that the access was perfectly free on both sides, the only persons obstructed being the non-voters from the surrounding districts. In consequence of this report, Sir C. Metcalfe, in his despatch, stated that the preservation of life and property at the election was attributable to the services of Mr. Young, and another gentleman, Captain Wetherall, whom he designated as a most valuable public servant. The Governor expressed his gratification that no life had been sacrificed, and stated that great credit was due to the troops and to the officers, and that, without their assistance, it would have been impossible for the voters to have exercised the franchise freely, in consequence of the intrusion of non-voters. On the receipt of that despatch, which had arrived before the Canadian Parliament had met, and before, therefore, it was pos-

sible to ascertain what elections would be petitioned against, the noble Lord at the head of the Colonial Department had felt it his duty to transmit to the Governor of Canada a despatch conveying, not the thanks of Her Majesty, but his own expression of approbation of the conduct of Mr. Young and Captain Wetherall for the efforts which they had so successfully made for the preservation of the public peace; and he had desired that this expression of his approbation should be communicated to those gentlemen. There had been no thanks returned in the name of Her Majesty, and no statement had been made beyond the expression of the approbation of the Executive Government to the Executive Officers for their exertions.

Mr. *Hume* thought the House ought to have before them the details of the circumstances which had led to the extraordinary changes which had recently taken place in the public mind in Canada. Great discontent now reigned in the Colony, and if they wished to preserve the Colonies in a state of usefulness to the country, they must govern them according to the wishes of the majority of their population. While Sir Charles Bagot was there unanimity and contentment reigned, but no sooner had a change of Ministry taken place than discontent arose. The Governor dismissed his Executive Council, and for nine months governed without one. This gave rise to dissatisfaction and discontent. Hence had arisen those scenes which had taken place at the elections; and it appeared to him to be necessary that all the documents connected with the subject should be laid before Parliament, so as to enable them to ascertain what had caused those sudden changes.

DESTRUCTION OF THE PORTLAND VASE.]

Mr. *Christopher* wished to put a question to his right hon. Friend at the head of the Government, which was suggested by the recent wanton destruction of the Portland Vase, at the British Museum. From the police reports of that morning, it appeared that the magistrates had no power to exact from the destroyer of that precious relic of ancient art a penalty higher than a fine of 5*l.*, or to inflict a greater personal punishment than two months' imprisonment, with or without hard labour. He begged to call the attention of his right hon. Friend to this subject, and he wished his right hon. Friend to inform the House whether it were his intention, by legislation or other-

wise, to take measures to prevent the recurrence of such an outrage.

Sir *R. Peel* said, the Trustees of the British Museum intended to hold a meeting on Saturday next for the purpose of considering this important subject; the result of that meeting would in all probability, be known to some communication on their part by Her Majesty's Government. He would, therefore, not express any opinion till that communication should be made, further than that the question was one of the deepest importance.

TRADE WITH BRAZIL.] Mr. *Bouverie* wished to ask the right hon. Baronet if it were true that a negotiation was on foot for a Commercial Treaty with the Brazilian Government? If such a negotiation had been entered into, it seemed absolutely certain that the Brazilian Government would insist on a reciprocity Treaty. The Treaty of 1827 was one of that nature, and there was an additional reason for assuming this as a probability amounting to certainty, because more than one-fifth of the export of that country consisted of sugar. Now, there could be no doubt, if the Brazilian Government insisted on a reciprocity Treaty with respect to that article of produce, no prospect remained of an agreement between Her Majesty's Government and the Brazilian, so long as that frivolous distinction was kept up in our Statute Book between free-labour and slave-labour sugar—a distinction which, as they had been forewarned from that side of the House last Session, had proved to be utterly so, inasmuch as the only sugar yet imported from a foreign State, under that law, had been slave-labour sugar from Venezuela, and the only sugar that was at present expected to come in any quantity, was the slave-labour sugar of New Orleans. That distinction, if they were to have a Treaty on the footing of reciprocity, must be abandoned. In expressing the hope that this would be done, he felt sure that he was expressing the hope of a very large portion of the country. He trusted that the right hon. Gentleman would, as he had done on former occasions, put his consistency in his pocket, and at once remove the inequality. He wished to know whether any negotiations were proceeding with respect to a Commercial Treaty?

Sir *R. Peel* would answer the hon. Gentleman's question as to the case as it stood at present, and set aside speculations regarding the future. There was no ne-

gotiation pending with the Brazilian Government, involving any alteration of the Tariff with respect to import duties. A proposal had been made to the Brazilian Government, which was now under consideration, in respect to one of the original Treaties of commerce and navigation. That was the only one at present under consideration. He supposed the hon. Gentleman was aware of the nature of the Treaty referred to. It related merely to navigation; there was no treaty in progress with respect to the Tariff.

Mr. *Ricardo* said, it had been generally understood, from the manner in which the change of the Sugar Duties was proposed last Session, that some further change would be introduced during the present. He thought the right hon. Baronet would put an end to a great deal of uncertainty if he would inform them whether that was his intention. He confessed he was very glad to hear that the negotiation with the Brazilian Government for a reciprocity Treaty was given up. All he heard about reciprocity treaties convinced him that the matter lay in a very narrow compass, and that our end would be much better attained without that expedient. It would be well for the right hon. Gentleman also to consider whether it would not be advantageous to give up those differential duties, which imposed a very formidable burden on the country without any counter-balancing benefit. He had thought that, on going into Committee of Supply, it would not be out of order for him to make some mention of those general principles by which he conceived their deliberations ought to be guided.

Mr. *Gibson* would merely express his hope that the right hon. Baronet would abandon all attempts at commercial treaties. It must strike everybody that with the countries with which the right hon. Baronet might negotiate as to import duties, even if treaties of this kind were desirable, they could not possibly be effected. The difficulty lay at home, and it would be far more satisfactory to the House, if the right hon. Gentleman were to tell them that commercial negotiations were going on successfully with the Central Society for the Protection of British Agriculture, than it would be to hear of such being in progress with any foreign power. Unless you could induce the class interests to make the sacrifice, if it were a sacrifice, and to consent to a reduction of import duties on leading articles of consumption and food,

it would be impossible to make those concessions to other countries which would induce them to make a reciprocity Treaty. He was glad his hon. Friend had put this question, which he did not think would anticipate the discussion of Friday next, for he very much feared that the adherence to differential duties, and the principle of protection, which prevented the right hon. Baronet from making a Treaty with Brazil, according to the account he had given of Mr. Ellis's negotiation, still continued. The House would recollect that Mr. Ellis was cut short in his attempt to negotiate, by being informed by the Brazilian Government that they would not consent to any larger advantage being given to British colonial sugar over foreign than 10 per cent. Mr. Ellis was prevented from opening his communications to the Brazilian Government, and now that that negotiation had come to an end, he should like to see laid before the House the instructions which Her Majesty's Government had given to Mr. Ellis.

FINANCIAL AND COMMERCIAL STATEMENT.] Lord *John Russell*: The right hon. Gentleman has given notice that on Friday next he will make to the House a statement of the utmost importance to the country—a statement not only as to the revenue and expenditure of the year, but comprehending also the questions that may arise respecting the trade and commerce of the country. Respecting the Resolution of which he has given notice, there may be more than two courses to be taken. Not only the Motion may be assented to in its present form, or dissented from, but, thirdly, an Amendment may be moved in the words of the present Resolution. Such being the case, and the whole circumstances being of so much importance, I wish to ask the right hon. Gentleman whether he proposes to take a Vote on the Resolution on Friday, or whether he proposes, after the statement being made in a Committee of Ways and Means, to call upon the House on a future day to decide upon his proposition.

Sir *Robert Peel*: Certainly, if it should be objected to that the House should concur with the proposal to be made on Friday, I shall not press for a decision. The noble Lord has put a right construction on my intention; and in endeavouring to explain to the House the views of the Government with respect to the financial state of the country, I shall also state their views.

generally with respect to the future commercial and financial policy of the country. Of course it will be of the utmost importance that the House should pronounce as early a decision as possible on any proposal I may have to make, and therefore I hope I shall not be pressed to interpose a very long delay between the proposal on Friday and the decision. If it is intended to take the sense of the House, I shall not press for a decision being come to on Friday.

Lord John Russell: I think it will be convenient to take the sense of the House on the Resolution of which the right hon. Baronet has given notice. I should be very glad to give notice of any intention of mine, but that will depend on the course to be taken by the right hon. Gentleman, and I hope I shall be acquitted of taking any persons by surprise in the course I shall take on that occasion. Such being the case, I hope the right hon. Baronet will consent that the Vote should not be taken on Friday, and that he will name some other day for that purpose.

Sir Robert Peel: I at once acquiesce in the proposal of the noble Lord. With respect to the period of Easter, I trust the House will feel the importance of proceeding with that business which may be proposed on Friday next with as little delay as possible. So far as Government is concerned, it will certainly be their duty to postpone the consideration of other business until the general views of the House with respect to the future policy of the country have been ascertained. But I have no hesitation in agreeing to the proposal of the noble Lord, that no Vote shall be taken on Friday next.

SUPPLY.] House in a Committee of Supply.

The Chancellor of the Exchequer moved a Resolution for a vote of 18,404,500*l.* Exchequer Bills.

Mr. Hume hoped that the laxity observable in the Exchequer Bill Officers on late occasions would be checked in future.

Mr. Williams submitted that, from the present abundance of money in the country, a reduction upon the interest of Exchequer Bills from $1\frac{1}{2}$ *d.* to $1\frac{1}{4}$ *d.* per cent. per day might be made. He would venture to suggest that the Exchequer would benefit much by this reduction in the rate of interest. He threw out the observation in the hope that Government would adopt some measure for that purpose, and he was fully of opinion, that in the present

state of the money market, that change might be effected with perfect ease.

The Chancellor of the Exchequer said, the hon. Gentleman had now repeated the observations he had made on former occasions, and he was afraid he could now give the hon. Gentleman no more satisfaction than he had given him on those occasions. It should not be forgotten that there was a very great difference between sums lent for short periods at small rates of interest, and stock, which might be considered as of a more permanent character. Since the hon. Gentleman had last spoken on the subject, the premium had varied eight, nine, and ten shillings; and he ought not, therefore, to argue that because the premium was now high, it necessarily followed that the interest on Exchequer Bills could be reduced.

Mr. F. T. Baring wished to ask one or two questions of the right hon. Gentleman. He observed in the late balance sheet that the total charge of the funded debt was set down at 29,963,000*l.*, and he was anxious to know whether the sum of 1,309,000*l.*, which formed one of the items of this amount, was to be an annual charge? Next, in the charge of the funded debt in the present year, had any advantage arisen from the reduction of the Three-and-a-Half per Cents? Thirdly, was the opium compensation entirely paid, or was there to be any future charge? He was anxious to know what was the real balance sheet, on which they could depend in forming an opinion as to the course to be taken on Friday next, because the answers to these questions might make a very considerable difference in considering the possibility of taking off the Income Tax.

The Chancellor of the Exchequer trusted he should be able to give the right hon. Member satisfactory answers to his inquiries. The right hon. Member would be aware that when he proposed to effect a reduction in the interest of the Three-and-a-Half per Cents, he availed himself of the opportunity of obtaining powers to pay the interest in the various stocks at uniform periods, and in order to effect this, it became necessary to pay some of the interest before it became due. For instance, one stock paid interest half yearly, while others paid quarterly, and thus to make the time uniform, the interest, in one or two instances, was paid in October, when hitherto it was not paid till January, thus necessitating a charge of 1,300,000*l.* It appeared, therefore, that in the account ending

January, 1845, there was an increased payment for the national debt beyond that of any former period; but when they arrived at the statement to be made for April, there would be a reduction proportioned to the payment previously made. He hoped this answer would satisfy the hon. Gentleman so far as it concerned his first question. With respect to the second question, as to what benefit would be derived from the reduction in the Three-and-a-Half per Cents., the right hon. Gentleman would be aware that the Act directed the reduction should be made from October, 1844, but from the circumstances he had before stated, the benefit would not commence till January, 1845, and would be made apparent in the revenue returns of April ensuing. With respect to the third question relating to the opium compensation money, he might say that the whole had been paid. There was, however, a sum of 15,000*l.* in dispute, and as yet unpaid, and that was the whole extent to which any future payments would be made in respect of compensation.

Resolution agreed to. Report to be received.

The House resumed, and adjourned at a quarter to six o'clock.

HOUSE OF LORDS, *Thursday, February 13, 1845.*

MINUTES.] *Took the Oaths.—Sat first.*—Baron Stanley (commonly called Lord Stanley).

BILLS. *Public.*—1^a. Service of Process; Service of Process (Ireland).

PETITIONS PRESENTED. By Lord Redesdale, from Churcham, and Bulley, for Protection to Agriculture.—By Lord Normanby, from Physicians and others, of Kingston-upon-Hull, in favour of Medical Reform.—From Protestant Dissenters of Leeds, for Inquiry into the Treatment of Baptists of Bahama Islands, and the Island of Exuma.—By Lord Hatherton, from Proprietors of Staffordshire and Worcestershire Canal Navigation, complaining of the disproportionate Charges on Railways.

ABSENT DEBTORS.] Lord Campbell said, a serious grievance had long been permitted by the operation of the present Law of England, which did not allow of any proceedings being taken against debtors unless they were within the jurisdiction of the Court wherein those proceedings originated. Thus, a person who was indebted to others in this country might be living out of the reach of the law, whilst enjoying an income of 10,000*l.* a year, and his creditors all the time might be starving in a gaol. The remedy which he had proposed to institute in cases of this description was, that by permission of the Court, obtainable upon a proper representation of the fact, process might be served upon such absent debtors

in the foreign countries where they resided, and that then they, being thus made cognizant of the steps taken to recover what was due from them, might either appear and defend the action, or, failing to do so, suffer judgment to be recorded against them. Their Lordships had unanimously approved of the measures which he had introduced last Session to effect this object, and the Bill had been sent down to the other House of Parliament; but in consequence of what took place there, by an unfortunate misunderstanding, it was lost: by the effect of a clause introduced into it after the Bill had left their Lordships' House, Scotland was exempted from its operation, and thus Holyrood would still have been enabled to throw the protection of its precincts over absent debtors. The clause so introduced had not met with their Lordships' assent when the Bill returned to their House, and thus it was lost. He had, however, recently had a communication with his hon. and learned Friend the Lord Advocate for Scotland, who had stated to him that the alteration in the Bill arose from a misunderstanding, and that he should not oppose its progress through Parliament. He now, therefore, had great hopes that both Bills would pass without any further opposition. He was sure it would be productive of great good. A Bill was not necessary for Scotland, where a suit to recover debts went on without the necessity of serving the process in the manner prescribed by the Law of England, and therefore, he should confine his efforts to the introduction of two Bills, one for England, and the other for Ireland. The noble Lord then presented a Bill to authorize in certain cases the Service of Process issuing out of Her Majesty's Courts of Common Law at Westminster, on persons resident out of the jurisdiction of the said Courts: and a second Bill to the same effect for Ireland.

The Lord Chancellor said, that before the noble and learned Lord proceeded with the Bills of which he had given notice, he wished to communicate on the subject with the hon. and learned Gentleman the Lord Advocate.

Lord Campbell observed, that his noble and learned Friend could take an opportunity of doing so before the second reading of the Bills.

Bills read 1^a and to be printed.

RAILWAYS—GOODS AND PASSENGERS' TARIFF.] Lord Hatherton presented a Pe-

tion from the Company of Proprietors of the Staffordshire and Worcestershire Canal Navigation, complaining of the disproportion which existed on the different lines of railway between the rates charged for the transmission of goods and those imposed on passengers. The noble Lord said he had given notice to his noble Friend the President of the Board of Trade of his intention to present this Petition, as the subject of it had excited great attention amongst the manufacturing and productive classes of the midland and adjacent counties, where the circumstance to which it alluded had occasioned much discontent and many complaints; the persons whose interests were thus affected, stating that the railway companies were carrying on the traffic branch of their trade at a great and certain loss, there being a difference of no less than 1,200 per cent. between the charges imposed upon passengers and those imposed upon goods. When the first Railway Bill was in progress through Parliament, namely, that for constructing the Liverpool and Manchester Railway, not a word was said in the Committee on the Bill respecting the charges to be made for passengers, traffic being the principal object then in view, and so little being known of the matter as regarded the conveyance of passengers. The secret, however, soon became known, that passengers were the first objects to be considered; and their accommodation was the first thing studied, the railway company having from that time the strongest aversion to the carriage of goods. Indeed, it was only in consequence of the engagements they had previously entered into in their original charter, and, in order to conciliate the interests that were involved in the question, that they consented to carry any goods at all, though they did so at a ruinous loss. He had already stated that the disproportion between the charges on goods and passengers was no less than 1,200 per cent. in favour of the former, the charge being 1*d.* per head per mile for passengers, whilst it was 1*d.* per ton per mile for goods; and as twelve passengers with their luggage weighed a ton, there was consequently a difference of exactly 1,200 per cent. in the two charges. He doubted whether the carriage of goods was less expensive than that of passengers, the only observable difference in regard to the latter being the greater cost of the carriages used for carrying passengers as compared with that of luggage trucks; whereas, on the other side, there

were the expenses incurred by the railways for the keep of horses and carts, and the cost of men for the collection and distribution of the goods, all of which rendered this branch of their business more expensive than the passenger portion of it. Such being the case, it must be a matter of wonder how the railway companies could afford to meet the expenses to which the carriage of goods necessarily subjected them;—they were only enabled to do it by raising the cost of transit to the passengers. It was this of which the canal companies complained. They did not complain of the new rivalry which had sprung up in the carrying trade of the kingdom; but what they did complain of, and with justice, as he (Lord Hatherton) conceived, was, that it was an unfair rivalry, and they certainly did call upon Parliament to devise some means for preventing the railway companies from charging passengers with the losses they sustained by the carriage of goods. The immediate effect of the system to which the petitioners referred would be to make passengers pay the whole cost of the carriage of goods throughout the kingdom, and the next result would be to drive all the carrying trade from the canals. Such being the case, he felt authorized in calling upon his noble Friend opposite, the President of the Board of Trade, to direct his attention to this important subject, with the view of providing a remedy. The complaint made by the petitioners was not a new one. When canals were first constructed, the road-carriers complained of the same system having been adopted by their new rivals; and the Legislature introduced an enactment into the Canal Bills to the effect that the canal companies should not be at liberty to raise their tolls after having once lowered them. They were only to be enabled to do so by the consent of Commissioners appointed to regulate this branch of traffic. The clumsy machinery thus constituted was soon abolished, and another mode of checking the canals was adopted, which had likewise suggested itself to the petitioners in question; namely, of enacting that when the tolls of a railway company were lowered, they should all be lowered equally throughout all its branches. He only threw out this suggestion for the noble Earl's consideration. He knew that the subject would excite the attention of the railway companies and of travellers. He knew, moreover, that the noble Earl's attention had been called to the subject generally; and

he hoped he would take the circumstances he had referred to into his consideration.

The Earl of *Dalhousie* was by no means surprised at the complaints of the petitioners, nor at their desire for some relief. At the same time, the House was aware the Government had no authority, nor did the Department over which he presided possess any, to interfere in the matter. There were involved in it questions of great importance both to the commercial and productive classes, and also to the travelling part of the community, and the Government would not fail to give it a due share of attention. Beyond that, he was sure his noble Friend would not expect him to say anything.

Petition read and ordered to lie on the Table.

RAILWAY DEPARTMENT OF THE BOARD OF TRADE.] The Earl of *Dalhousie* said, in presenting, in pursuance to the notice he had given, the Report of the Railway Department of the Board of Trade on the Kentish and South-Eastern railway schemes, it was not his intention to enter into the consideration of the principles which had guided that Department, in coming to the conclusions which had been from time to time laid before the public. His object was simply to ask their Lordships' permission to lay before them a few statements as to the constitution of the Railway Board in question, and the course of procedure which that Board had adopted. It would be in their Lordships' recollection, that in the last Session a Committee was appointed by the other House of Parliament to make certain inquiries upon the subject of railways. Among the many other important points involved in the question, the Committee took into their consideration the practice of Parliament in respect to railway legislation. He need not recite the various arguments which they advanced in the course of the discussion which followed; but he would content himself with stating, that after a very full review of the difficulties of the subject, and a patient canvassing of the inconveniences and deficiencies in the then existing system of Railway legislation in the House of Commons, and the Committees connected with that House, they had arrived at the conclusion that it was desirable that to some Board in connexion with the Executive Government, there should be committed the task of instituting a preliminary inquiry into the merits of all rail-

way projects to be brought before Parliament. The Report of that Committee embodying these views, was adopted by the House of Commons, and, in consequence, the alterations in the Standing Orders necessary to carry it into effect, and for bringing the forms of the House into accordance with the proposed arrangements, were duly instituted, and the matter having been referred to the Lords of the Council for Trade, arrangements were made, by which the Railway Board was formally constituted, for the purpose of performing various duties connected with railways, and of taking into its consideration the details of the various Railway Bills previous to their coming under the consideration of Parliament itself. Their Lordships were aware that there previously existed a Department in connexion with the Board of Trade charged with the supervision of railway matters, composed of a superintendent, an inspector-general, and a secretary. To these were added an assistant-inspector and another secretary; and these gentlemen, presided over by the President or the Vice-President of the Board of Trade, were constituted the new Railway Department of the Board of Trade. The Minute reciting this arrangement had been laid by the Lords of the Council before Parliament. The Board thus constituted immediately proceeded with its duties. He need not trouble their Lordships with the details of their proceedings. They entered into the consideration of the different railway projects laid before them, and had been so engaged up to the present time—notifying from time to time the fact of their decisions; but reserving for the Report to be submitted to Parliament, a detailed account of the reasons which had led them to the conclusions at which they had arrived. Such was a brief narrative of the circumstances which had led to the institution of this Board, and an outline of the course which that Board had pursued. It was necessary for him to trouble their Lordships with these details, in order to introduce the points at which he wished to arrive. From what had passed out of doors, and also from what had occurred in another place since the Session had commenced, it was quite evident that a great degree of misapprehension prevailed as to what was the real jurisdiction of the Railway Board, and as to what was intended by Parliament and by Government—as well as to what was conceived by the Board itself—to be the real authority with

which it was invested. He knew that it had been urged in another place, that to constitute a Board of this description, in connexion with the Executive Government, consisting of five gentlemen in the employment of Government, from whom there should issue Reports conclusive and absolute as to the merit and fate of the several railway projects—that to intrust to such a body the power of deciding whether a railway scheme should go on or not—to entrust to such a tribunal the power of directing or distributing enormous amounts of money, exceeding indeed the value of all the property contended for before, and disposed of by all the Judges in Westminster Hall—to give to such a Board such an authority, would be objectionable and dangerous in the very last degree. Then, again, it was maintained, that if the Reports of that Board, connected as it was with Government, were to be adopted by Government as measures of Government—if the Cabinet were to lend to them the whole weight of their Parliamentary influence, thus attempting to convert their Reports into judicial decrees—that the practical effect would be to substitute mere Reports of a Board for positive enactments of the Legislature itself. And if the facts had been so—if it had ever been in the contemplation of Parliament, or dreamt of by Government, or imagined by the Board itself, that any such authority had been, or would be given to it—then, indeed, every objection which he had just recited would be reasonable and just, and no one would have urged them more cordially than himself. But, in point of fact, nothing could have been further from entering into even the imagination of Government, than that their authority should be decisive, and their conclusions absolute. He was at a loss to conceive how any person who had even read the circumstances of the constitution of the Board—how any person who had ever given any attention to public proceedings, could have taken up such an impression as that of the decisions of the Railway Board being absolute. Had it been raised out of doors merely, he should not have deemed himself called upon to notice it; but the question had been raised in the other House of Parliament, and its discussion there had produced from the right hon. Baronet at the head of the Government a strong disclaimer of the correctness of the views then expressed, as to the duties and authorities of the Railroad Board. But it was still impossible for him

to tell whether such an impression might not prevail among their Lordships, and if it did prevail, then it was clear that all Reports issuing from the Board must be received with a jealousy and suspicion which would not exist if the real character of that Board was understood. He had considered it his duty to state, in his place in Parliament, the views entertained by that department of the Government over which he presided, with respect to the proceedings of the Railway Committee of the Board of Trade. The Report of the Committee of the House of Commons, after the recital of the reasons in favour of the appointment of such a Board, went on to state, in the most distinct manner, that its Reports were, on no account, to be considered as anything but aids to Parliament for investigation, and for the purpose of expressing an opinion whether there were public reasons against the propriety of forming such and such a railway, and which of any two competing lines appeared to be the best suited for public use and convenience. In the Standing Orders, it was stated that the Committee to which railway schemes were to be referred should state what portions they had adopted, and what portions they had rejected of the Reports of the Railway Board—an instruction of course carrying with it the inference that it was in the power of those Committees to reject the whole or any part of their Reports. And when he moved for such alterations in their Lordships' Standing Orders as were necessary for the establishment of the Board, he had expressly stated that the Reports were to be held as nothing more than evidence, and to be dealt with by the Committees as in their wisdom they might think fit. Now, as to the proceedings of the Board, he thought that those parties who had been in communication with it would remember that when on various occasions it was stated by deputations which had attended it, that their Reports would be most influential, and that whatever the decision of the Board of Trade might be, they would implicitly bow to it—he himself had distinctly intimated that they assumed no such authority—that it was for Parliament to say what weight was to be given to their decisions—and that whether they, the Company from which the deputation attended, did or did not go to Parliament, it would make no difference in the proceedings of the Board; that if they did go it would not make

them more rigid, or if they did not it would not make them less rigid, in their examination of the claims laid before them. In any case, the representations of a projected company would meet with their best attention. But there was another consideration which ought not, in forming an estimate of the character of the Railway Board, to be overlooked. It was the instruction addressed to it by the House of Commons, that on no account should it enter into the consideration of private interests—but that all such matters were to be reserved for the exclusive consideration of Parliament. Now, how could Reports be imagined to be conclusive and final, in schemes like these, when all matters of private property were excluded from its deliberations? He had only to repeat, most distinctly, that it was never intended by Parliament that the Reports of the Board should be of a conclusive character, but that they should merely be regarded as evidence, to be used in aid of Parliament, and as recommendations to be dealt with by Parliament as in its wisdom it might think just and proper. He would now beg their Lordships' permission to advert to one or two other objections which had been raised, as to the course of procedure adopted by the Board. It had been objected that the tribunal had a secret character—that their proceedings were involved in mystery—that their deliberations were conducted with closed doors—and, in fact, that their whole plan of proceeding was repugnant to the ordinary regulations and spirit of our tribunals. Now, the meaning of all this simply was, that the Board had not been constituted as an open court—that it had not been invested with the power of summoning witnesses, of hearing parties, and going into minute investigation. In answer to all this, he would maintain that if the Board had been armed with such powers, or if it had arrogated such powers to itself, it would have been a grievance to the public, instead of being the possible means of affording useful assistance to the deliberations of Parliament, and would justly have been open to suspicion, and liable to jealousy. If they had proceeded to the examination of witnesses, if they had called parties from a distance, if they had proceeded to cross-examine them, the effect would only have been the production of a vast expense, to be defrayed by the parties interested, in addition to the heavy expenditure already requisite to conduct a Railway Bill. Again, if they had assumed

the form of a public tribunal—if they had proceeded as a Committee of Parliament, there might have been just cause for suspecting that their intentions were to usurp the functions of Parliament; and people would be apt to give their decisions as much weight as those given to the judgments of a Parliamentary Committee, and conceive the case already settled, ere Parliament had once interfered. But then it was said, that if they had not done so, at least they might have confronted the parties, and heard the case discussed. Now, their Lordships could not but be aware of the state of feeling existing between contending companies, and he could not think that to bring two such parties together before any authority, would much tend to elicit the truth. They all read the newspapers, and he would, therefore, just ask their Lordships to conceive a case in which the provisional committee of the London and York Line, and the directors of the Midland Counties Railway, should be confronted and called upon to discuss before the Railway Board the merits of their respective schemes. Could any body believe that such a meeting would be calculated to promote the calm consideration of the subject, or perseveringly to elicit facts; or that it would have led to anything like a careful and just apprehension of the real merits of the respective schemes? He apprehended that such a course, if once adopted, would never be tried a second time. But then, again, it was said, if this was not done, at least we should have heard all parties who desired to be heard, one against the other; and it had been urged out of doors, and not only there, but in another place, that they never attempted anything of the kind, and indeed that he himself had admitted that it was physically impossible for them to hear all the arguments and objections of contending schemes. Such language had been ascribed to him; and it was said, improving on the first version, that the Vice-President of the Board of Trade had admitted that it was physically impossible to enter on anything like a satisfactory inquiry. Now, with respect to this second edition of the statement in question, he had merely to reply that he had never said any such thing—that he had never made any such admission as that it was impossible for the Board to institute anything like a satisfactory inquiry. As to the former statement, even that did not quite correctly convey what had fallen from him. He begged not to be understood as wishing to

lead their Lordships to suppose that there had been anything like intentional misrepresentation. He did not think that there had; but the version of the statement did not convey correctly what he said, and which, as it bore very closely upon the whole of the objections raised against the Board, he would now repeat. It was stated, then, that in reply to a gentleman who attended with a deputation from a railway scheme, on that gentleman expressing the disappointment of himself and his friends that they had not been summoned to state their objections to another scheme, and that he had understood that the fullest opportunity would be given for it, he had stated that such was not the course proposed to be taken by the Board—that from the mass of business before them it was physically impossible for them to attempt any such thing; and the inference drawn from this was, that he had admitted that it was impossible for them to hear the objections to any given scheme. Now no such statement was in reality made. What he said was this. On the gentleman in question stating that they had been disappointed—that they had understood that every opportunity would be given for competing parties to enter into the case of their opponents, and that personal interviews would be given for that purpose, he (Lord Dalhousie) replied that it was physically impossible for them, with the enormous amount of business before them, to receive all deputations—that was, to grant them personal interviews—as often as they chose to apply for them—that they had commenced operations by receiving parties to state their case, but, finding that they applied for interviews two or three times, and then only to say again what they had said before, or to urge anew objections already stated, the Board had on that account been obliged to decline repeated interviews, and to ask the parties applying for them to state what they wished to say in writing; but at the same time they had been told that if on any occasion they had really any fresh objections to urge, the board would still be ready to receive their visits. He had said all this to the gentleman in question, and he added that his own presence as an objector was the best possible proof of the readiness of the Board to receive them. Now, the difference between the two statements was this, that whereas it had been said that they had acknowledged they could not receive parties to make ob-

jections, what he really stated was that they were willing to receive them to make objections, but not as often as they pleased to apply. Let their Lordships for an instant conceive the practical working of such a plan of operations as the reverse of this. Let them take the case which he had already alluded to. They were aware that to supply with railway accommodation the district between London and York there were three schemes in the field—the London and York, the Direct Northern, and the Cambridge and Lincoln railways. Had a second interview been granted to the Direct Northern, then the London and York and the Cambridge and Lincoln would have applied; then the Direct Northern would have applied again, followed by the other two, for interviews to be granted again and again. Such a case as he was stating was not an ideal one. It was a representation of many applications addressed to them. The party who came first came again, saying—"You have received such and such a party, we desire to have an opportunity of repeating our statement." Then the other party in turn would exclaim—"As a second interview was granted to them, we should have one too:" and so on *ad infinitum*. Such would have been the case with respect to the four Goole lines; such would have been the case with the Syston and Peterborough, and the Swinton and Lincoln schemes, and all the others, each one of which would have thought itself entitled to come and come again—until, if they had ten departments of the Board of Trade, and ten times the length of time which they had, the business could not have been gone through. They must draw the line somewhere, and they drew it here. They received parties to make statements, and then parties applied to state objections. Interviews were granted to such, and objections received from competing schemes; but, on these parties applying for second interviews, they were told that unless they had anything new to communicate, the request must be refused. At the same time, if parties had new objections to make, or urgently pressed for a second interview, they were received. Such had been their rule—a rule which they had acted on throughout. It was quite possible to transact business by written documents, and it was by these that much business had actually been transacted. Their Lordships would judge that there had been no lack of information supplied to the Railway Board, when

he told them that, for some time past, they had been receiving at the rate of nine thousand papers a year on railway schemes. Of documentary evidence they had, therefore, abundance. He now came to another class of objections, in regard to which he was desirous of addressing a few words to their Lordships. It had been asserted in various quarters that the Board did not possess the confidence of the public, and that neither was it entitled to that confidence. And it had been asked by way of question, to which it was supposed that no sufficient answer had yet been given, whether certain members of the Board had not a direct personal and pecuniary interest in railroad property, which had occasioned the display of a spirit of favouritism towards certain railway companies, to the prejudice of others; and it had been said, that either gross mismanagement had prevailed, by which information had been obtained previous to the publication of the decision of the Board upon any given scheme which had enabled parties to go to the Stock Exchange, and operate there in a manner highly beneficial to themselves, but unfairly and injuriously as regarded the public generally. Now, had that statement been confined to mere vague rumour, or to the public journals, he should not have considered it his duty to refer to it in that House. No man was more ready than he was to admit that the public journals had a perfect right to scrutinize and comment upon the conduct of public men; and although they might in some instances exceed their privilege in this respect—that that right of scrutiny was in general a useful check against abuse he was not prepared to deny. But the statements that had gone forth as to the conduct of the Board in question and its members, affecting their efficiency as a Board, and their characters, had not been confined to mere vague rumour, or to the columns of the public journals, but had been sounded aloud in the ear of Parliament. The attack had been directed more especially against one gentleman connected with the Board. Their Lordships would believe that had the attacks been levelled only at him (Lord Dalhousie) personally, they would have been utterly disregarded until they were made where he could at once meet them, viz., in his place in Parliament. But the case was different where the attacks were made on one who had not the advantage of a seat in Parliament, where he might meet the charges made against him. He was sure their Lordships would not

think he occupied their time improperly while he endeavoured to vindicate the reputation of an able and honest public servant, and that they would require from him no apology for detaining them upon such a subject, when they remembered that he was defending one who had no opportunity of defending himself. Now, it was asked—not directly stated—is it not the case that members of the Board have a personal and pecuniary interest in railway shares? To that question he was in a condition to give an answer—an answer most direct and conclusive. With regard to himself, he did not possess, nor had he ever possessed, any share or shares in any railway scheme; and, with respect to his colleagues, Mr. Porter, General Pasley, and Mr. Laing, they did not possess, nor had they ever possessed, any railway shares whatsoever. Then as to Captain O'Brien, it was true that he had possessed railway shares, but did not possess any now, having ceased to possess them as soon after his appointment as a member of the Board as he could divest himself of them. He (Lord Dalhousie) happened to have been present when his right hon. Friend the late President of the Board of Trade offered Mr. O'Brien the appointment, and upon that occasion, he (Captain O'Brien) voluntarily stated that he did then possess railway shares; and he also voluntarily stated that he would part with them at the earliest opportunity. The interview of which he spoke took place on the 26th of July; on the 6th of August he was appointed to the Board, and on the 2nd of September he had irrevocably parted with every and all his interest, whether immediate or contingent, in any railway shares whatever. This was on the 2nd of September. The Board did not attempt to go into the consideration of these railway schemes until the second week in December; so that Mr. O'Brien did not possess a single railway share for three months previous to the meeting of the Board for proceeding with the investigation of any railway scheme. That, he conceived, would be taken as a sufficient answer, by those who were not disposed to reject any answer whatsoever, to the allegations which had been made with regard to the position of the Members of the Board. Then it was said a spirit of favouritism had been shown by this Board to certain railway companies. That allegation, had it remained a general one, he need scarcely have noticed, because when a Board was appointed to decide between competing schemes, however correct

their decision might be, it was by no means unlikely that that decision should be complained against as unfair by the party to whose interests it was adverse. Indeed to show this he would mention an instance. The first decision given by the Board was upon two competing schemes—the one proposed by the Great Western Company, and the other by the South-Western; and having pronounced in favour of the former, some gentleman in the country sent him (Lord Dalhousie) a newspaper, having a paragraph, marked with a large black cross to draw his attention to it, stating that the Board were the mere servants of the Great Western Company, and suggesting that one of the badges worn by the porters of the Company should be sent to each Member. He could only say that in his own case the decoration with which the writer proposed to honour him, had not yet arrived. He repeated, that had these accusations been confined to generalities, he should have treated them with that indifference with which they would be met by any man of common sense; but their Lordships would remember that in one instance a special case had been adverted to—he referred to that one, the Report on which he was about to lay on the table. It had been stated that the Board had decided in favour of the scheme of the South-Eastern Company—that Mr. W. O'Brien was the manager of that company—that his brother, Captain O'Brien, was a Member of the Board—and, *ergo*, that the Board had decided in favour of the South-Eastern scheme, simply because Mr. O'Brien, the manager of the company, was the brother of one of the Members of the Board. He did not see the necessary conclusion which was thus sought to be drawn; but there could be no doubt that it was meant to infer that Captain O'Brien, as a Member of the Railway Board, had been influenced by improper feelings of partiality in favour of the South-Eastern Company, and that those feelings had operated in the decision of the Board. This statement had not been put forward merely in newspapers, but had been stated publicly in Parliament, and therefore it was that he felt it to be his duty, looking at the position he held as Chairman of that Board, not to allow the character of any one of his colleagues to be impugned, and that colleague treated as a knave, while he was in a condition to meet that accusation with a broad allegation of denial, and show clearly that there could be no foundation whatever for the statements which had been put

forth to his prejudice. He believed Captain O'Brien to be a man of as pure integrity as any Peer in that House, and as utterly incapable of swerving from the strict line of his duty as any man who sat amongst their Lordships. Captain O'Brien had purposely abstained—so far as his duty would permit him to abstain—from taking any part in the decision upon the South-Eastern scheme, beyond that personal attendance at the Board which his duty required of him. And if their Lordships would but consider the probabilities of the case, they would at once see how absurd the statement was. Granting, for the sake of argument, that Mr. O'Brien had an interest in the South-Eastern Railway scheme, and wished to engage his brother's influence as a Member of the Board to obtain a favourable decision, did their Lordships suppose for one moment that the other Members of the Board, placed as they were directly in the focus of public observation, would have taken upon themselves to become parties to that object, merely because the brother of one of their colleagues was the manager of the company? And if they even conceded this, where could he (Lord Dalhousie) be supposed to be, to permit such a proceeding? Was it to be supposed that he, sitting in the chair of that Board, and responsible to Parliament directly for its acts—being liable to be called upon at any moment to justify and defend all the transactions of the Board—did any sane man suppose that he, setting apart the considerations and feelings by which as an honest man and a gentleman he must be influenced—did any man suppose that, looking at mere prudential considerations, he could have been such a fool as to have allowed the Board to take a course so open to attack, and so liable to observation as that which it had been stated they had adopted? The idea was preposterous. What were the circumstances of the case, the decision upon which had been impugned? The South-Eastern Company had proposed a most comprehensive scheme. Another scheme had been proposed by other companies; on the relative merits of these two schemes he did not then think it necessary to enter, as they were before their Lordships, and open for inspection and observation; but the duty of the Board was to decide upon their respective merits. The South-Eastern Company, adopting the views of the House of Commons of last year, and acting upon their suggestions addressed a letter to the Board of Trade, offering

to supply additional advantages if their plan should be sanctioned; to reduce the rate of fares throughout the old as well as the new line, calculating the distance between London and Dover, not on the eighty-eight miles, the extent of their line, but at seventy-four miles, which was the shortest practicable route;] they also undertook to make a reduction in the second-class fares, and at the same time to increase the accommodation for second-class passengers; to give greater facilities for third-class travelling, and to provide carriages for third-class passengers, protected from the weather; that they would lay down an electric telegraph along the whole of the line, and go to Parliament for a Bill to enable them to construct a central terminus at Hungerford-bridge, on the Surrey side of the river, which they were willing should form part of a general terminus for all railways on that side of the Thames; and, further, to provide the link which would be wanting, and which was not likely to be undertaken by any other company as a commercial speculation, to complete a continued coast line, which would afford to the Government that which was most desirable for the protection of the coast and an uninterrupted line of railway from the Metropolis to within a few miles of the Land's-end; and they also undertook to place the whole of the old and new lines under the condition of purchase, according to the Act of last year. And the Board having decided in favour of a scheme offering so many and such important public advantages, there were persons who could not account for the decision of the Board otherwise than by suggesting that one of the Members of the Board had a brother who was the manager of the company. The charge was so ridiculous and contemptible, that he should not have alluded to it, but that it might, if not met at once, be sent forth to the public in various shapes, and adopted by them; therefore it was that he felt it due to his colleague, whose character had been aspersed, to make this statement to their Lordships, and to show that there was no ground whatever for the charge which had been made. There was one other point only with which he should trouble their Lordships—that was as to the question whether the proceedings of the Board, in reference to their decision on any particular railway scheme, had become known to any party not connected with the Board, as stated, either through carelessness on the part of the Board, or by

means of a deliberate communication made by any one of its members previous to the publication of the decision in the *Gazette*, the effect of which previous information had been, that parties by whom it was obtained had made an improper use of it, turning it to their own account. With regard to that point, so far as the general allegation went, it could only be met by a general denial. With regard to himself, he need not, he was sure, say, that on no occasion, either by implication, word, or gesture, had he given the slightest information of anything that was going on before the Board to any human being; and no human being had received from him the least knowledge or intimation of what was his opinion upon any scheme before the Board not yet decided. And although he was perfectly convinced that he might have made the same statement on the part of every one of his colleagues, without referring to them upon the subject, he had thought it right to call the Board together to lay the matter before them; and he was authorised to say, that each of them asserted, upon his honour, and was willing to repeat that assertion in any more solemn form of adjuration, if any more solemn be devised, that never, directly or indirectly, had he given information or hint of any kind of what was the intention of the Board in respect to any one scheme that had been submitted to them previous to the publication of their decision upon it in the *Gazette*. He would now pass from this part of the subject, and call attention to the question whether or not it was possible for the intentions of the Board to have oozed out, in some way or another, before it was generally known what their decision would be. Very early in the commencement of the proceedings of the Board, the obligation of secrecy was known to be of the utmost importance. The spirit of speculation that had existed for the last six months in the public mind, in connexion with railway schemes, was apparent; and though it was impossible for the Government or the Board to control it, they were bound in duty to adopt such precautions, so far as they could do so, as should prevent its being unfairly conducted. As he had stated, the Board was not in a condition to enter regularly into the consideration of any of the schemes referred to them until early in the month of December. As soon as they were ready to proceed, their first object was to classify the several schemes, as to their local situation, and

the manner in which they bore one on the other. Then they had to consider what course should be adopted in regard to making their decisions known. Two courses were open to them—the one was to reserve altogether any statement of their decisions until they were ready to submit them to Parliament, and then to publish them with the reasons at the same time; and the other, to publish the decisions, from time to time, in the *Gazette*, as they were made. Against the latter course there were many objections sufficiently strong; but then it was clear the detailed Report could not be published until Parliament met; and if the Board had reserved all declaration of their decisions till Parliament met, the chances of previous revelation of their intentions would have been greatly increased. It was quite clear the decisions upon all the railway schemes could not be come to at the same time. Some must be decided upon sooner than others; and when the opinion of the Board upon any particular line became for a long time familiar to its members, the risk was far greater that some intimation of their opinion might accidentally drop out in their communications with the agents of other schemes, and that the information so obtained, might be improperly used. The risk arising from such a mode of proceeding, therefore, would have been far greater than that attending the course the Board had adopted, viz., to take every scheme into consideration in its order, investigate its merits, and decide upon it at once and immediately, and publish that decision in the *Gazette*; therefore it was that the Board conceived that as the several schemes were taken up and decided upon, they should be made public; taking every care that the decision should be made known to the public and the agents of the parties interested at the same time, but that in no case should it be communicated to the latter, until after the closing of the Stock Exchange on that day on which the announcement should appear in the *Gazette*, so that no undue advantage should be given. The course of proceeding was this:—When a scheme was taken up, the papers in reference to it were referred to the different officers of the Department, for inquiry as to the public advantages of the line, its local position, its probable traffic, its engineering difficulties, and general character; and upon those papers being returned to him (Lord Dalhousie), with the reports of the various officers to

the questions submitted, he considered them, and having done so made a memorandum upon the papers of his opinion upon the scheme in general. This, together with all the information obtained, was circulated amongst the several Members of the Board, each making his own observations upon the scheme, until it had gone the round of the whole of the members, when a meeting of the Board was called. Of course, if during the circulation of those papers, any person other than the Members of the Board had access to them, it would be possible for the intention of the Board to be made known; but to prevent this, every precaution possible was adopted in the circulation of the papers. He (Lord Dalhousie) having examined them and made his memoranda upon them, placed them in a box with a private lock, to which there was but one key (except the master key, which he always carried round his neck); that box he himself placed (together with the key) in the hands of another Member of the Board, who, having examined and made his remarks upon its contents, replaced them, and handed the box and key to another member, and so on throughout the whole of the members, until it came to the last, who, when he had done with it, gave it back into his (Lord Dalhousie's) own hands. Throughout the whole of the proceeding, it was never out of the immediate personal custody of the Members of the Board, and it was physically impossible that any access could be had to the documents during their progress in this way from one member to the other. Then as to the mode in which the decisions of the Board were published. The Board assembled to decide on the day on which the decision was to be announced. The minutes were prepared, not in the usual way by clerks and other subordinate officers, but by a Member of the Board itself; and the notices for the *Gazette* were also prepared by him with his own hand—no other person—no clerk—not even his (Lord Dalhousie's) private secretary was informed, or could be aware, of the decision of the Board in any case until it was published in the *Gazette*. It might be supposed that when the notice was placed in the hands of the editor of the *Gazette* the Board would consider that their responsibility ceased. But it was not so. Even then they took every care that the intentions of the Board should not be made known beforehand to any person, so as to

form the basis of speculations. They took care that the notice should not be placed in the hands of the editor on the day of publication, until it was so near to four o'clock that if he were disposed to communicate the information, and started at once for the Stock Exchange, he could not possibly by any conveyance reach it before it would be closed for the day. He submitted to their Lordships that if human precautions could do anything, those which the Board had adopted, and which he had detailed to their Lordships, were sufficient to ensure the necessary secrecy. But then it was said, "Large speculations have been recently made in railway shares, and it is singular that since the appointment of the Board large purchases have been made at various times on the speculation of a speedy rise, which rise, on the appearance of the Report, has taken place." But it by no means followed that that speculation was the consequence of previous intimation made to the parties by any person connected with the Railway Board, as to what might be their probable decision on any particular line. It was competent for any man of ordinary shrewdness, and acquainted with such matters, who read the Report of the House of Commons made last Session, and examined the first two or three Reports of the Board, to form a tolerably correct judgment of which was the most likely to meet with the favourable consideration of the Board and Parliament,—he would be able to do this from observing what were the principles on which they had decided in those cases. No doubt this was possible; many newspapers and other publications had put forth speculations and prophecies as to what would be the decision of the Board upon particular lines, almost before they were submitted to it; which speculations and prophecies had turned out to be correct. But that resulted from the tenor of the decisions generally, and the principles upon which they were based being generally perceived, and not from any information furnished to them to which the public generally had not access. He believed he had now adverted to all the points upon which it was necessary that he should trouble their Lordships. As to the efficiency of the Board, or the competency of its Members to discharge their duty, it was not for him to say a word. The Report he should now have the honour to lay on their Lordships' Table, and the other Reports that would follow, were the do-

cuments which must decide that question. If it should appear from them that the Board had been guided by sound principles, and that the facts upon which their decisions were grounded were correctly stated, and that they had decided on reporting in favour of those schemes that offered the greatest amount of public advantage, then let those Reports receive the consideration to which they were entitled at the hands of the Committees on the Bills; but if, on the other hand, it should be found that they had been influenced by narrow and feeble views—if their reasonings were unsound and unsatisfactory, it would be for Parliament to treat those Reports, as he should do in such a case, as a mass of worthless waste paper. All he should venture to say in regard to the Members of the Board was, that having had imposed upon them a task of great labour and oppressive responsibility, they had endeavoured to discharge it with diligence and honesty, without favour and without fear. Throughout the whole of their proceedings they had steadily and uninterruptedly kept in view one principle, viz.—regard being had to local and national interests—to report in favour of that railway, or combination of railways, which appeared to them calculated to give to the community the greatest attainable amount of public advantage.

The noble Lord having laid the Report on the Table,

Lord Brougham said, he considered this one of the most important subjects that had of late years occupied the attention of Parliament, connected as it was with that class of Parliamentary subjects on which, for the public good, it became necessary and expedient from time to time for the Legislature to adopt measures, and to adopt a course that unavoidably led to an interference with private interests. Before he sat down, he should further illustrate the bearing of that remark on the present subject as connected with the Board of Trade and its system; but he must beg leave, in the outset of the few remarks he should make, and which were extracted from him by an anxious and deep consideration of the very great interests involved in the question—he must beg leave at once not only to acquit his noble Friend (Lord Dalhousie) who had made so candid, so luminous, and so able a statement of his case, but also to acquit his colleagues of all blame whatever. Indeed, he

had never so much as heard until that night—when he heard his noble Friend defend them from it—that any charge had been made against them. He (Lord Brougham) had no connexion with any railway company—God forbid—he had no stock—his noble Friend had thought it fit to exculpate himself from any suspicion of being influenced by sinister motives; he (Lord Brougham) might do the same, and assure their Lordships that he had never possessed one farthing's worth of stock—except, indeed, as he might hold it as a trustee or executor—and, therefore, he was as entirely disinterested on this question as it was possible for any one in or out of that House to be. But now he came to express his surprise that his noble Friend should have gone further, and having disclaimed sinister motives, that he should think he had vindicated the Board from all possibility of pronouncing effective decisions upon the questions submitted to them, and from all shadow of suspicion of influencing decisions elsewhere. Said his noble Friend, “How was it possible that their decisions could be effective, or have any weight? For they did not decide—they did not act judicially, but, as it were, ancillary to Parliament—to examine the case, to speak their minds upon it, and report upon it to Parliament. They had no desire to prefer one railway to another, or cry down one scheme and cry up another. They were not Parliament or a Court of Law. All they did was to examine, decide and report; and having done so, they left the parties to go to Parliament, and Parliament would no doubt vote upon the scheme, as Parliament should be advised.” Then he would suppose himself for a moment a party in some one railway. He went to Parliament as a director of that railway, and the very first thing he heard was the question, “What is the use of throwing away your money and your time, and making yourself anxious about nothing? Do not you know that you are reported against—that the Board have decided against you? The Board have examined into the whole case—the parties to the competing lines behind their back, and you behind your back—in secret. It is not known upon what data they have pronounced their judgment, but that judgment is embodied in a Report, and meets you on the Table of either House of Parliament.” Let him ask what chance had he under such circumstances to pass his

Bill; could he get rid of the Report, and convert it to mere waste paper? Could any man suppose that the Report being before Parliament, that Parliament would so treat it? He would venture to say that the probability, nay the absolute certainty, in all human understanding and in all common calculation of accidents, was, that that Report would be followed to the letter by both Houses of Parliament. Why, the Government were pledged by one of its Members beforehand; the opinion of the Government was already taken upon the question. [Lord *Dalhousie*: “The opinion of the Government is a different thing.”] No doubt the opinion of the Government was different—the opinion of the Board was not the opinion of the Cabinet, but it was that of a part of the Cabinet. His right hon. Friend who had lately resigned was a Member of the Cabinet, and, therefore, before the right hon. Gentleman's inexplicable resignation—which it was very difficult to understand before it was explained, but after the explanation became involved in total darkness—he being at the head of the Board, as well as a Member of the Cabinet, the Government were pledged to the course reported for by the Board. [Lord *Dalhousie*: “No, no.”] He knew that formally it was not so; but we were not living in Utopia, where Parliament was independent of the Government, and Government of the Parliament—when the strictest line was drawn between the Executive on the one hand, and the Legislature on the other, and when the Executive might pronounce an opinion to both Houses, which should bind nobody in either House. That was not the sort of world in which their Lordships lived. They knew well that when the Government had made up its mind upon any question, if it continued a Government, a majority in Parliament must go with it. But no, these were not decisions of the Government, they were told, but they were the decisions, the published opinions of an important Member of the Government, a colleague of the Government, if not in the Cabinet; and he should like to have a Return, for which he would move at the end of the Session, showing how many of the Reports of this Board of five Members acting under the President of the Board of Trade—a colleague of Ministers, though not in the Cabinet—how many of those Reports had been reversed

by Parliament. He would venture to predict, arguing on his own experience in similar matters, that it would be found as certain at the end of the Session as though they had now all the Railway Acts of Parliament before them that should be passed, that, speaking generally, perhaps in nine cases out of ten, perhaps in ninety-nine cases out of 100—or, perhaps—and this he thought the most likely—in 100 cases out of every 100, there would be a strict and literal coincidence between the decisions of the Board reported to Parliament, and the decisions of Parliament reported to the country. He had as confident and as decided a guess what the decision of Parliament would be in these cases, as he had when he predicted to their Lordships, some years ago, what would be the decision of any Election Committee, the members of which were taken equally from both parties, when he knew the political opinions of the Chairman. He never used to look to either side, but only to the Chairman, and he was generally pretty certain as to how the decision would go; and he spoke now with equal confidence as to the decision of Parliament on the Reports of this Board—not merely from past experience, and the results of that experience—not merely because he could hardly conceive how it could be otherwise—not merely because he was arguing with all the probabilities on one way, and none on the other—but why he was so sanguine on the result of his opinion in this matter was, that he had listened attentively not only to the first, but also to the last part of his noble Friend's speech, and the whole of that last part was a demonstration unmistakable of what he now laid down. For observe, the letting out the slightest hint beforehand of what the decisions of the Board would be was reckoned by the Board gross negligence or culpable treachery; the utmost precautions were taken and properly and justly taken (but ineffectually, as he should presently show), to prevent the least whisper from going abroad, by which the probable results of the inquiry might be conjectured out of doors. First, the papers were denied their usual refuge of the cabinet-box, because it was possible that a key might be forged, the box opened, and its contents exposed to profane eyes. Therefore, a special box was made, with a peculiar lock, and a key that could not be forged—all the Bramahs of

the day were put into requisition in order to obtain an unimitable key to an unopenable box. Then the Report was taken by a special messenger—the ordinary messenger, of course, could not be trusted—and taken just a quarter before the particular hour when the Stock Exchange closed, that it might arrive at the *Gazette* office too late to reach the Stock Exchange that night—and the *Gazette* man was the only man confided in—as the editor of the *Gazette* was the only person who was entrusted with the Report for this quarter of an hour, and the only human being who could dream of what the decisions of the Board would be. But why all this multiplying of precautions to prevent the most faint whisper getting out before the decisions of the Board were made public, if the decision of the Board was to have no effect upon the final result, but were merely to be taken as the opinions of the five gentlemen who had taken the subject out of the hands of Parliament to prevent Parliament having the trouble of deciding? If the Board were only ancillary to Parliament, and its decisions not influencing Parliament in any way, why all this secrecy? Why they might as well publish the opinions of the Board before hand at Charing-cross, for whoever acted upon them would have themselves only to blame, if they burnt their fingers by speculating on the Stock Exchange. But every body knew that the decisions of the Board would not be a mere dead letter, but that they would influence the final decisions of Parliament on all the railway schemes. Out of this state of the case two observations arose. There were three schemes of railway in competition before the Board. Two of the three must be unsuccessful, and the question was, which one should have the opinion, the confidence, and the support of the Board, and which two shall be condemned. The Board examined the three schemes. His noble Friend appeared at first to say, that the Board did not examine evidence, that they had not power to do so. [Lord *Dalhousie*: They have not time.] No, but each party came before them with the best case he could get up; the Board examined the parties themselves in favour of their own scheme, but without calling witnesses, which they could not do, but having before them the best information they could obtain, on that they decided. Their decisions were published in the *Gazette*, and in that decision

they condemned two out of the three schemes, and approved of the third. Condemn was not the expression, certainly, but in the Report they recommended one and rejected the others. The Report, then, let it be supposed, was against two of the competing lines, and in favour of one. What was the consequence,—the first and immediate consequence? The moment that this Report was heard of, the moment that even a whisper of it reached the Stock Exchange, instantly every body who had stock in the two lines decided against was anxious to sell out, and every one tried if possible to get a little of the stock of the third. The consequence was, that the funds fell with respect to the two, and they rose as to the third. That was the necessary, the inevitable result. With the existing regulation such a result could not be avoided. It might be expedient, it might be indispensable, that there should be some regulation as to these things. He admitted that readily; but then the only thing to be regarded was, whether this was the best way, whether they should not have some regulation which at the same time would provide for the safety, the benefit, and the good of the public, and that should be as little pressing as possible upon the property of individuals. Though his noble Friend himself never speculated in these things, yet if he made up his mind to expend 5,000*l.* in railway shares—though this he had never done, nor had any connexion of his ever done—yet if he had, or if any connexion of his had expended 5,000*l.* in a railway that was reported against, then he said in that case he should feel most bitterly vexed and grieved by finding, through the means of a sentence published in the *Gazette*, a sentence, too, with regard to which all possible precautions had been taken; for it was not of that he would complain; but what he would complain of was the publicity, and that by that publicity 5,000*l.* in shares would tumble down to be worth perhaps not 500*l.*; perhaps not worth 50*l.* This he would complain of; whereas, on the other hand, he admitted he would feel very much obliged, if it happened that he was the lucky holder of shares in a railway which had been so fortunate as to have a sentence published in the *Gazette* in its favour, and instead of his shares being worth 5,000*l.*, made worth five times 5,000*l.* These were matters of very great importance—these were matters that had

a very great effect upon trade. Immense capital was involved in them—an immense amount of property was embarked in them; and here, then, was the Board of Trade, which, by publishing a single line, could sink or raise the value of that property—could do that which might ruin one man, and make the fortune of another. Now, this might be all necessary. He did not deny it; but then, let not noble Lords run away with the idea that this was all plain sailing; that no principle was interfered with, that no oppression had been done, and no injustice had occurred. It was very probable that very great injustice might be done, and very great oppression might be inflicted if they did not guard carefully, sedulously, and jealously the operation of such a plan as this. Another observation occurred to him—there was here an opportunity given to two, four, or five individuals, not of telling people that which they had done, or were about to do, but of buying or selling themselves. The opportunity was given to them—he did not say that any one had availed themselves of it; but their Lordships must perceive that this was a very delicate matter, and what he had humbly to suggest to them was this, if it were not absolutely necessary to intrust such a matter as this to none but those who were sworn Privy Councillors, or to a Minister of the Crown, and if they could not have all the benefits of four or five individuals to assist them, yet to have them as witnesses in helping them to come to a proper judgment? He would much rather have the determination of such a matter vested in responsible hands—in those that held a high position in Parliament, that stood high in the estimation of the public—in the hands of those who were, for instance, the sworn Ministers of the Crown—of men who could not betray their trust, because if they did, they would be liable to impeachment. He said he would much rather see the matter in such hands, than left to those who might buy or sell stock, and who, in doing so, could not be subjected to the slightest penalty. If these persons chose to do so, they were subjected to no penalty; they were liable to no punishment; they were not sworn; they were not even bound by the moral obligation of an extra-judicial oath. There was nothing to control those persons in making private speculations. Then there was another mode that might have been

adopted. The persons appointed to make these decisions—that is, they might have persons of great public station and responsibility, persons in high rank in public affairs and in Parliament. Perhaps it could hardly be said that any position could be so high or so responsible as that which was connected with the discharge of the duties of such a Board. He conceived, for his part, that it was not necessary to have recourse to any persons, however respectable, who did not fill the responsible situations of advisers to the Crown, or who, as Privy Councillors, were sworn to the discharge of their duties. He wished, however, to guard himself from any uncharitable construction being put upon the language he had used. He already repudiated the notion that he intended to make any observations against the Gentlemen who were on the Committee of the Board of Trade; he believed them to be most respectable; he believed that none could be more respectable. He did not know more than one of them, General Pasley; and he said a more honourable man there could not be—a better informed man could not possibly be. He did not know the others, but he took the description of them from what had been said of them by his noble Friend. He took that description from what had been said by his noble Friend, and he believed implicitly in it; but then referring to the charge which had been made, and of which he had never heard before that evening, with respect to Mr. William O'Brien, the chairman or manager of a railway, and Captain O'Brien, the Member of the Board—his noble Friend had said that Captain O'Brien was present, but did not take any part in the decisions that had been come to. He (Lord Brougham) did not see the necessity of his being present, when the matter under discussion was connected with the railway in which Mr. W. O'Brien was interested. The Board might have come to a decision without his being present. At the same time he did not charge Captain O'Brien with influencing that decision. His noble Friend mistook the matter at issue, when he entered into the details he had done. The question was not whether the Board was right or wrong in making a Report; but the question was, whether Mr. William O'Brien, the brother, knew that they were going to make a Report. He understood the fact to be, that Mr. O'Brien

was unacquainted with what the Board was going to decide, although he had the opportunity of getting at the fact.

The Earl of *Dalhousie* was understood to say that it was absurd to suppose that an unfavourable decision was come to on a particular scheme, because Mr. O'Brien had a brother a Member at the Board.

Lord *Brougham*: If a person had a near relative interested in a particular scheme, and if he were not an honourable man, as Captain O'Brien certainly was, he might have given information; of course, Mr. William O'Brien had not bought stock at the time, nor about the time—he took that the matter was so. Besides, it did not follow that one gentleman was to lose, as connected with a railway, because he had a brother a member of the Committee of the Board of Trade. He had no doubt that it was all right and all proper, and that not the shadow of a suspicion could rest upon the worthy and injuriously-commented-upon individuals. What was or could be a proper regulation of the system to be adopted, or the practice to be pursued, it was not for him to suggest. Happily, it was still open for Parliament to determine it. He rejoiced that its attention had been so early called to it; and before any further mischief could be done, it was open for Parliament to make further regulations. It would not do to deny that the Board must have great influence upon parties and the public—he was sure that their Reports must influence them much. It would not do merely to say that these men were honest and honourable men, and that they never had divulged any secrets of the Board. He was sure that they never had divulged them. They saw that great precautions had been taken—they saw the nature of these precautions to prevent the secret from getting out. They saw that all this had been done ineffectually, whilst the secret itself was of the most important nature—of such delicacy and such importance, that the knowledge of it was certain to inflict the greatest injury upon one, and to confer the greatest benefit upon another. This, then, he said, was enough to make it the bounden duty of Parliament to devise every check and guard that they could possibly conceive and suggest, to prevent the possibility of allowing publicity being given to a secret which would admit of malversation; they should not

merely do this, but they should devise a plan, in which they might have an entire and absolute confidence that it would be impossible that any malversation could take place.

The Marquess of *Lansdowne* observed that, from the great multiplicity of transactions connected with railways, it was obviously a matter of the greatest importance that Parliament should have the advantage of some preliminary inquiry respecting them. He certainly did not know, and he was not then prepared to say, that the course suggested as to the construction of the Board was essentially wrong; at the same time it might be a question hereafter whether that construction might not be, in some degree, amended. He must do the noble Earl opposite the justice of saying that he had stated at the time this question had been under the consideration of Parliament, that the decisions of the Board were not to be held as binding upon Parliament. It certainly was not stated that their decisions were to be binding, although a contrary idea might have gone abroad. The object of this Committee, or whatever other tribunal was appointed, was to consider which plan proposed to them was the most perfect, and that their decisions being known, might be a warning to parties, to prevent them from exposing themselves to unnecessary expense, and enable them to withdraw from a contest which might ultimately prove unfortunate. He confessed he did think that purpose had been forwarded by the course which had been pursued by the Board, by their promulgating an authentic decision through the medium of the *Gazette*, without annexing to it the reasons that had induced them to come to such a decision. It was obvious that parties would be prejudiced in favour of their own scheme; that scheme they would be disposed to imagine had been rejected upon insufficient grounds; they would presume that they had good grounds for being dissatisfied with it, and that their own reasons, when they came to be known, would overpower those of the Board. If the reasons were stated to the public, with the decision as to the grounds upon which it had been come to, then it would afford at the same time useful information to all parties that were interested in the fortunate scheme that had been determined upon; and it might also assist other parties in coming

to the conclusion whether or not they would persist with schemes analogous in their nature to that which had been rejected. He could not conceive any objection, unless it was one of a technical nature, which could have prevented the Board from annexing their reasons to each particular decision. He threw out for the consideration of the noble Earl, whether, in making his Reports—if he made them at all—he should not have them made by the Board as fully as possible, because it appeared to him to be the only way in which they could have those advantages which were proposed in the appointment of the Board. He merely rose for the purpose of throwing out this suggestion, and not for the purpose of pronouncing any definite opinion as to the constitution of the Board. Such a Board ought to be constituted and upheld hereafter, or Parliament would never be able to do justice to the great mass of materials which were cast before it, connected with this one subject. He did not wish to enter at present into the great and grave considerations which were connected with the question of railroads, and their effect upon the general property and the private property in this country. The questions and considerations connected with this subject were of the utmost importance, and must force themselves hereafter, and that, too, at no distant period, upon the attention of Parliament.

Lord *Stanley* trusted that a few observations would be pardoned from one who had so recently the honour of being a Member of their Lordships' House. It was, because he was so recently a Member of that House—it was, because he had so much later experience of the mode of proceeding in the other House of Parliament than his noble and learned Friend, that he ventured to correct a misapprehension into which he had fallen, and which, if permitted to go uncontradicted, might have an injurious effect upon the mind of the public. His noble and learned Friend had stated that he intended to move, at the close of the Session, for a return of all the Railway Bills which shall have passed through the House of Commons; and then, because the Reports on Railways had come from Members of a Committee connected with the President of the Board of Trade, and a Member of the Government, that not only nine out of every ten, but ninety-nine out of every hundred, of the decisions

of the House of Commons, would be in support of that which had been already come to by the Government. He thought it extremely likely that such might be the result. In the main, he believed, that the opinion of the Legislature would be in accordance with the recommendations of the Board. He believed, that this would be the case; but he could not concur in the conclusion which his noble and learned Friend would seem to draw from that circumstance—that they would be affirmed, because of the support of the Government. If his noble and learned Friend had the later experience which he had of the proceedings in the House of Commons, he would have been aware that since railways had come under the consideration of that House, there had not been one instance in which a single Member of the Government had, directly or indirectly, ever exercised the slightest influence on the votes of Members of the House of Commons upon any single railway scheme. There was not any Railway Bill on which Government had ever taken any part; and if his noble and learned Friend would examine the Records of the other House, he would find that in the great majority of such measures, the Members of the Government had abstained from voting—that in most instances they absented themselves; and that when they were present they voted constantly on different sides; and he might add that the Members of the House of Commons never had been sought, and never would be asked by Government to vote in favour of, or against, any particular branch of railway. With this explanation his noble and learned Friend would assign a different reason from that which he had suggested for the House of Commons coming to the same conclusion which the Board had deliberately arrived at—that Board consisting of highly honourable and highly intelligent individuals, who had been appointed under its own sanction—who had every opportunity of examining calmly and dispassionately into the circumstances of each case presented to them—and who, in their deliberations and investigations into the matters in their charge, were free from the interference of counsel—no small advantage in his opinion—and from the excitement of public proceedings, and who, there was every probability to support the belief, came to

their decisions, not because the Board of Trade was a constituent portion of the Government, but because of the advantage which they deemed they could procure for the country. His noble and learned Friend, therefore, combated a proposition which was never enunciated by his noble Friend at the head of the Board of Trade. What his noble Friend said on that occasion was, that it was likely the Legislature would come to the same decision as the Board of Trade in the majority of instances; and he agreed with his noble Friend that it would stultify the proceedings of the Legislature if it did otherwise, appointed as the Committee of that Board has been under its own sanction; if it did not, it would be, as regards their proceedings, only time thrown away, and trouble taken in vain. The noble Marquess had stated, and stated truly—that an essential portion of the duty of the Board of Trade is to avert the expense of fruitless proceedings on the part of those persons engaged in prosecuting railway speculations; but his noble Friend seemed to think that it rather neutralised the effect of this portion of their duty not to publish the reasons on which they came to the conclusions contained in their Reports. His noble Friend had stated the reasons why these decisions had been published. It was conceived that it would be better they should be known at once, lest they should ooze out in any improper manner, and unduly obtain publicity. [The Marquess of Lansdowne asked why the reasons had not been published in the *Gazette*?] His noble Friend asked why the Board had not made their Reports in the *Gazette*. They were required to report to Parliament. It was impossible for them to make their reports before Parliament met. They gave the result before the meeting of Parliament, because their decisions might ooze out, and much speculation and great jobbing might have been the consequence of the secret oozing out. It was for that reason the decision was published at once, and without waiting for the Report. But then his noble Friend said, that advantage might have been derived from the Report being known, as it might be the means of saving parties from great expense. He thought his noble Friend argued without foundation. He understood that a recent order had been made in the other House of Parliament, by which time was to be extended to parties concerned in railways, and this for the purpose of

parties not involving themselves in expense. It was not three weeks after the decision was known, but three weeks after the reasons on which the decision was founded were known, that were they required to proceed. Parties then would have the full benefit of that time for consideration. They would have that time for determining whether, after hearing the statement of the Board of Trade, they would incur any more expense; whether they would employ counsel, and engage themselves in a strife, by battling in a Committee, often bringing with it an expense of 50,000*l.* or 60,000*l.* Parties then would have the opportunity for three weeks, not subsequent to the decision, but to the opinion of the Board of Trade, to consider what course they might deem most proper to pursue. He could not, however, help thinking that whatever objections might now be made would have been much better urged at the time that the appointment of the Board was under discussion. He could not, too, but think, that after the reasons of the Board had been submitted in detail to the parties interested in these projects, that they would tend to save litigation; that the result would be to diminish greatly expenses that otherwise would have been incurred; to induce shareholders, influenced by the opinions of the Committee of the Board of Trade, to withdraw from plans which they might otherwise have regarded with favour. That they would induce them to withdraw, and, in many instances, from the satisfactory reasons assigned, not further to involve themselves in loss; to influence them in not opposing the most useful schemes, and that thus the most deserving of the support and the favour of the country would have the opportunity of being carried into effect, without the loss of being exposed to useless and unprofitable litigation—and that by the satisfactory reasons of the Board, there would not be that depreciation of property which his noble Friend deplored; and thus there might be avoided that unnecessary expenditure of money in the payment of agents and counsel, and all that expensive machinery which had hitherto been employed in getting forward with Railway Bill.

The Marquess of *Lansdowne* explained. It was quite obvious, that when the Board came to a decision, and had formed an opinion, they could as easily communicate

their reasons, as the result of those reasons. As to the order which had been stated by his noble Friend, as having been suggested by the other House, he thought it was very proper, and one the effect of which would be of immense importance in preventing a large portion of the capital of the country being wasted in useless speculations.

The Earl of *Dalhousie*, in explanation, also said, that it would have been quite as acceptable and quite as easy for the Board of Trade to assign their reasons for the several decisions to which they had come, at the period of their publication as, subsequently, to Parliament; but having been constituted by Parliament, and being accountable to Parliament only for the course they had taken, they were obliged to reserve their explanations for that body. The Board, indeed, would prefer to have reported their reasons and their decisions at the same time; but for the cause he had stated they felt called upon to report them at separate periods.

Report ordered to be printed.

House adjourned.

HOUSE OF COMMONS,

Thursday, February 13, 1845.

MINUTES.] *BILLS. Public.*—1^o. Fisher Lane (Greenwich) Improvement; Constables (Scotland).

PETITIONS PRESENTED. By Mr. Darby, and Colonel Wyndham, from a great number of places, for Agricultural Relief from Taxation.—By Mr. H. Hinde, from Chamber of Commerce, Newcastle, against the Export Duty on Coals.—By Colonel Baillie, from Honiton, against the Income Tax.—By Mr. Masterman, against the Soap Duty.—By Mr. Trotter, from Island of Barbadoes, for Reduction of Duty on Colonial Sugar.—By Mr. H. Baillie, from Merchants of the Isle of Skye, county of Inverness, against Alteration of Law relating to Banking (Scotland).—By Sir W. Clay, from Tower Hamlets Medical Association, and by Mr. Pendarves, from General Practitioners of Penzance, against the Medical Practice Bill (1844).—By Lord Claude Hamilton, from Guardians of Strabane Union, against the Poor Law.—By Mr. Hume, from Forfar, against the Prisons (Scotland) Act.—By Mr. Young, from Rector and Protestant Inhabitants of Shercock, for Alteration of Law relating to persons who make a Trade of promoting Promiscuous Intercourse.—By Mr. Brotherton, from Rothwell, and by Mr. Owen Stanley, from Calvinistic Methodists, Bethlehem, parish of Llanbadrig, for diminishing the number of Public Houses.

PRIVILEGE.] The *Solicitor General*, in calling the attention of the House to the communication made by the Sergeant-at-Arms yesterday, as to what course he should adopt in an action of trespass brought against him as an Officer of the House, said he should not trouble the House at any length, as he did not anticipate any opposition to the Motion he was about to submit. He should pro-

pose to adopt the same course as that taken in a similar action in 1843. The House then, on the Motion of his hon. and learned Friend the Attorney General, gave leave to the Sergeant-at-Arms to appear and plead to the action. The plea was put on record, and a demurrer to it having been argued, the case now stood for judgment. He should therefore move (proceedings in the first case being still pending) that Sir W. Gossett should have leave to appear, and plead to the action.

Lord J. Russell said, that as the proposal was merely to follow the precedent of 1843, he should not occupy the time of the House in arguing the question. The House having then come to a decision on the question, he should not now re-open it, though he still retained his opinion as to the proper course to be adopted.

Resolved accordingly.

STATE OF THE NAVY.] Sir C. Napier rose, pursuant to notice, to move for a Select Committee, to inquire into the manner in which the money voted since the year 1835 for the construction of ships has been expended; and if the ships constructed are an improvement of the old system. He begged to assure the House that his only motive in bringing forward this Motion was to ascertain whether the reports spread as to the ships lately built were true or false. If true, the sooner the present system was put an end to the better. If false, the reputation of the officers engaged in constructing them required that it should be publicly known that no blame attached to them. He knew it might be said (and, in fact, it was said) that this was no business of his; that the question should be left for settlement to the proper powers. He supposed by that expression was meant the Admiralty. The building of ships had been left to them for a considerable time, and it would be seen that they had committed the greatest errors and blunders—greater, he believed, than had taken place in any other department. He had neither a political nor a party view in the Motion which he submitted, his sole object was the well-being of the Navy, and the expenditure of the finances of the country in the most judicious manner. In the observations which he should make, he should endeavour to state the facts with the justness, fairness, and impartiality becoming a British seaman and officer, and such alone as an independent Member, anxious for the proper disbursement of the

public money, should adduce. It would be necessary to go back for a considerable time. When he (Sir C. Napier) first entered the service, in 1800, the Navy contained several three-deckers of 120, 110, 100, 98, and 90 guns. The first of those were generally good for sailing and war; the other classes were so entirely unfit for service, and they sailed so low in the water in bad weather, that it was impossible to bring them into action. Many representations were made to the Admiralty by the officers commanding those vessels; but the same system was persevered in till the end of the war, and then totally given up. He should mention that some of those ships, the *Blenheim*, and the *Ocean*, and the *Camperdown*, which was paid off the other day, had been cut down; in addition to which, the *Prince Regent* was in the act of cutting down, and he trusted the *Impregnable* would be treated in the same manner. Could he give a greater proof of the inefficiency of the constructors than that such three-decked ships should, at an enormous expense, be cut down to 80-guns? The first and second class, 80, 74, and 64-gun ships were well constructed and did their duty well. The 44 and 50-gun ships, though useless, were persevered in until the right hon. Baronet (Sir James Graham) came to the Admiralty, and were then taken to pieces. When new seventy-fours were to be built, instead of availing themselves of the models they had, the Admiralty ordered Sir H. Peake and Sir W. Rue to submit two plans of a seventy-four. One was pronounced too large, and the other too small. They were desired to construct a kind of ship between the two, and the result was a class of vessels, nicknamed the "Forty Thieves." Now we had some excellent ships which we had taken from the French at Malta: the *Tonnant*, the *Canopus*, and the *Sanspareil*. But such was the obstinacy of the builders, and of the Navy Board, that these were never copied until the present time, when the ship last built was constructed on the *Sanspareil* model. He now came to the frigates of those days. There were forty-six-gun frigates, forty-two-gun frigates, and thirty-two-gun frigates, all carrying 18-pounders. He had no objection to the first of this class; but of the thirty-two-gun ships, two of which he commanded, he could say that more useless vessels were never constructed. These were persevered in until the right hon. Baronet opposite came to the Admiralty, and after attempt-

ing to improve on three of them he gave them up. There were then 16-gun ships mounting 6-pounders. These were persevered in until the end of the war, though he could safely say there was not a boy in the service who did not know them to be useless. The 18-gun brigs were then adopted; but Lord Melville, not satisfied with them, turned them into bad corvettes; but these in their turn were given up also. Another attempt was made to construct corvettes of 20 guns, being made longer and narrower than the 18-gun brigs; but these were called patent coffins for sinking 120 men, and pronounced failures. Then came 10-gun brigs—the *Blazer*, the *Bruiser*, the *Barker*, &c.; other brigs were substituted for these. These were continued for a time, but condemned last year by the Shipwreck Committee. The Admiralty had indeed thrown away their own exertions and the money of the country in building bad ships, and when the American war broke out—and they might have looked forward to that event for many years—the Admiralty were utterly unable to contend with their adversaries. They had not indeed a single vessel of the same class fit to meet their corvettes, nor a single frigate capable of contending with their frigates. He (Sir C. Napier) well remembered the reports of that day, when a naval officer would have been scouted if he had ventured to utter even a hint of the inability of British ships to contend successfully with American vessels of the same rating as their own; and notwithstanding all the warning they had received, the Government of the day had never opened their eyes until they learned that three British frigates had been captured and carried into American ports. What did they do then? The Admiralty immediately ordered three line-of-battle ships to be cut down; and at the end of the year, though it was proved beyond a doubt that 46-gun frigates were unfit to contend with the American 46's, between sixty and seventy were built, which were now useless in our Navy. It was then considered that ships had not been built strong enough. The next thing the Surveyor did was to cut and carve half the Navy into round sterns, thus showing the enemy how to defend themselves, instead of fortifying their bows to attack their opponents; and although Mr. Roberts, Mr. Laing, and other shipwrights, proposed a plain round stern, totally unencumbered with galleries, they were not adopted till after a consideration of twenty

years, and this was now settled as the regular form of the ship's stern in the Navy. Another error was committed by the master shipwright of those days, though he was certainly an excellent builder—that of trussing the ships with diagonal shores, and with very heavy timber along their waterways. An enormous quantity of timber, therefore, was put into ships that were never intended to carry it, such as the 32 and 36-gun frigates. This spoiled them entirely as frigates; there was not one ship, which had formerly been used to stand up stiffly and properly to their canvass, that did not become cranky. He (Sir C. Napier) commanded one of them, the *Euryalus*, which was formerly the pride of the ocean; but after she had gone through this process, she turned out so bad that she could not stand on her legs, and was nearly upset when going to Smyrna. Then there was the *Caledonia*, originally one of the fastest sail of the line ever known; Sir Robert Seppings took her into dock to have her widened; Lord Exmouth begged that she might not be touched; but she was taken into dock, stripped of her timbers, and altered, and had never been a good ship since. It was to the Yacht Club we owed our improvement in ship-building; they employed private individuals to build their ships, seeing that the Navy Board stuck to their old way, and would not move; but at last public opinion gained such strength that they were forced to attend to it, and Sir W. Symonds, Captain Hayes, and Professor Inman, were allowed to construct ships. In the time of the Lord High Admiral, an experimental squadron was sent to sea, composed of the *Sapphire*, *Challenger*, *Tyne*, three small frigates, with the *Columbine*, *Satellite*, *Wolf*, and another, sloops and brigs. It was found that of the frigates the *Sapphire*, thirty-six, was certainly the best; the *Challenger* and *Tyne* were so cranky, that if they had been sailing in company within pistol-shot, and had commenced an action, the guns of the weather ship would have gone under the bottom of the lee one, and the guns of the lee ship would have gone over the truck of the weather one. Of the smaller ships, the *Columbine*, built by Sir William Symonds, turned out the best. He then took upon himself to write a letter to the Lord High Admiral, detailing his opinions as to the manner in which the building department of the Navy was managed, from which, if the House would permit him, he would read an extract:—

" October 1, 1827.

" Sir,—The naval service of this country would be much better conducted, and at less expense, were the Admiralty and Navy Boards amalgamated, and the whole put under the control of the Lord High Admiral.

" Without meaning any disrespect to the latter branch, I think the manner it is formed is a certain means of insuring its inefficiency, and of preventing its profiting by the march of intellect; and, indeed, it is pretty generally allowed by the naval service that they are the last to adopt any improvement, and most obstinately shut their eyes to whatever is proposed to them, believing that the whole naval talent of the country is centered in their own body.

" The wise encouragement that the Admiralty have lately given to people unconnected with the Navy Board to construct ships on certain conditions, has clearly proved that they are not possessed of absolute wisdom in ship-building; and I shall endeavour to show your Royal Highness that it is morally impossible, from the manner they are composed, that they should be possessed of the shining qualifications so necessary to the well-being of the naval service.

" Hitherto, for the naval officer to obtain a seat at the Navy Board, it was necessary he should have sufficient interest to be appointed to a foreign dock-yard; and, after moving from one to another for a considerable number of years, he succeeded to the first vacant seat in Somerset House, provided one of the Commissioners of the home dock-yards preferred moving, well versed, no doubt, in the business of a yard, and, if not too old, and too long out of active service, probably acquainted with the improvements and wants of the Navy: on taking his seat, he finds himself placed amongst a set of old gentlemen (and perhaps a young statesman or two), who have been out of the sphere of naval improvements for the last twenty years, and who oppose as innovations any ameliorations he may wish to introduce, and he is at last obliged to give up the point, and gradually adopt all the ideas of Navy Board supremacy.

" The office of Comptroller is, I believe, generally bestowed upon some man of interest, without taking much trouble about his qualifications. The Surveyors, on whom chiefly depend the goodness or badness of our ships, either are, or ought to be, chosen for their talents; but if I am to judge from what they have produced—such as the *fr* 32's, and 22-gun corvettes, neither of which would either stand up under canvass or sail, the 28-gun ships which could neither fight nor run away, the forty thieves, together with the bad sailing of the Navy in general—I should be inclined to estimate their abilities very low. The fault of constructing such classes lay with the Board of Admiralty, but their models with the Navy Board; and if they could not hit upon a form of their own that would sail well,

they ought to have been less bigoted, and copied from their neighbours.

" All these gentlemen remain in their situations for life, or until they find themselves useless, which is never till many years after they are judged so by the rest of the world.

" The Victualling Board is pretty well composed, for the duties they have to perform, but with the same fault of being fixtures, as the Navy Board, and generally with a sucking statesman or two amongst them. Commissioners of dock-yards are really so very comfortable, that no man in his senses will retire as long as he can hold together; and I believe they are not removable, except for some glaring misconduct. I confess I have no faith in any department being well conducted, or greatly improved: where the mainspring is allowed to wear itself out, it loses its elasticity in time, and becomes unfit to perform its functions."

When the right hon. Baronet (Sir James Graham) came into office, he (Sir C. Napier) followed up the letter by a pamphlet, addressed to Sir John Pechell; and though he had not the vanity to suppose that either the letter or the pamphlet had caused the abolition of the Navy Board, still the right hon. Baronet acquiesced in his statement, and broke it up. He thought the right hon. Baronet had done a great service to the country by abolishing that useless Board; but he feared very much that the substitute provided had not answered the end desired. The first and great fault of the new plan was the enormous quantity of work thrown on the Admiralty, particularly the first Naval Lord; and he said it was morally and physically impossible for him to go through the duties of his office in a proper manner, looking to the vast number of subjects, all of the greatest importance, which were brought before him every day of his life. It was not in the power of man to do so, and unless some change in the system were made, we should soon feel the mischievous effects of it. The first step taken by the right hon. Baronet, after he had seen that Sir W. Symonds had constructed a very fine corvette, and also a yacht, which was bought into the service, superior to any of their competitors, was to give him an opportunity of building a larger ship; but he took an immense responsibility on himself in allowing that Officer to jump from an 18-gun corvette up to a 50-gun frigate, the *Vernon*, of 2,082 tons. The *Vernon* answered perfectly well; she had had her detractors, but he (Sir C. Napier) really believed she was a fine ship. When he had produced the *Vernon*, the right hon. Baronet thought Sir W. Symonds was the fittest man to be Sur-

veyor of the Navy. Now, though he had a great opinion of Sir W. Symonds as a seaman and an officer, and a man who knew perfectly well how to produce the model of a ship up to a certain point, he did not think that he had a knowledge of ship-building sufficient for such an office. Never having been brought up in a dockyard, it was impossible he could be master of the sizes and weights of iron, timber, and the materials used in the construction of a man-of-war. Sir William Symonds having launched the *Vernon*, she was tried as a cruiser; and he believed the reports of her were extremely favourable, with one exception, that her motion at sea was extremely quick, which rendered it not so easy to fight her. But she had redeeming qualities as a ship, able to carry an immense press of sail, and to carry her guns at all times. The *Vernon* went through two cruises under Captains Macconochie and Walpole. When the right hon. and gallant Officer opposite went out to America, he believed that he had found her motion much quicker than he approved of; but his opinion as to the *Vernon* was, on the whole, most favourable. Sir William Symonds, after having constructed the *Vernon*, was allowed to build a large number of 26-gun ships, and 16-gun brigs. All these, he believed, had turned out favourably; the officers who commanded them spoke of the 26-gun ships as great improvements on the old class of 28-gun frigates, and the 16-gun brigs great improvements on the old 18-gun brigs; and on the trial the other day the *Cruiser* could not keep up with her competitors of the new class. The next ship Sir William Symonds was allowed to build was the *Vanguard*, against which much had been said. He (Sir C. Napier) was intimate with the two captains who commanded her, Sir T. Fellowes and Sir D. Dunn, who were both strongly in her favour, and than whom there were not two better officers in the service. Captain Bouverie also spoke in the highest terms of her. In the Mediterranean she proved to be superior to most ships. She was tried once with the *Powerful* and *Ganges*, and though they had the advantage, she could have carried a reef more out of her topsails, and would then have had the superiority. In a gale of wind off Alexandria she was the most leewardly of the six ships. He had spoken to the various captains, lest his memory should have deceived him, and all agreed that that was the case. He had also spoken to the captain who commanded her,

who differed from him to some extent, maintaining her to be the fourth, and not the lowest. It would be wrong, therefore, to condemn her on that ground, because in blowing weather, an accident during the night might have placed her in that position: and he, therefore, thought it only perfectly fair to admit that she was a good, efficient, and fast-sailing man-of-war. She had one fault, certainly; but it was rather owing to the Admiralty than her constructor. It was all very well for the builder to wish to construct a pretty ship, with a fine raking stern, like a Virginia pilot-boat; but the Admiralty should have said, "What is to become of all the expense and trouble we have been at to construct a new round stern, such as will admit of a great number of guns bearing, if raked?" He had no hesitation in saying, that if the ship were in action, she would run the greatest danger of being set fire to. There was another circumstance which he might mention: the *Vanguard* was rated on the list as an 80-gun ship; but while in commission, and so rated, she had two of her guns struck down in the hold, so that she, in fact, mounted only 78. The next ship ordered to be constructed was the *Pique*, which was commanded by his hon. and gallant Friend on the other side. And not only that, but six *Piques* were laid down without trying one. He was not prepared to blame the Admiralty for that, because they saw that he could construct ships like the *Vanguard*, and the 26-gun frigates, and 16-gun sloops, so that it was very natural for them to employ him to construct a ship of intermediate size. He believed there was not a single doubt in the mind of any naval officer that this vessel was a total and entire failure. The *Pique* was commanded by his hon. and gallant Friend opposite, who was well known to be an able seaman and excellent officer; and he was perfectly certain his hon. Friend's Report, was condemnatory of her. Captain Boxer succeeded his hon. Friend, whose Report, he understood, was favourable to the *Pique*; Captain Yates was the next, who carried out Sir Charles Adam to the West Indies. Captain Boxer also went as a passenger, and the *Pique* rolled to such an extraordinary degree that, though he had reported favourably of her, he came on deck, and told him if he did not get up runners and tackles, the ship would inevitably lose her masts. Captain Yates said no, she was a fine ship, and he had never been in the habit of doing that, and

he refused to do so until Sir C. Adam sent him an order. After the failure of the *Pique*, and when six fellow ships had been laid down at an enormous expense, of which three were launched, the Surveyor of the Navy was allowed to build a three-decked ship, to be called the *Queen*, and to make room for which the *Royal Frederic* was pulled to pieces. When finished, the vessel was looked upon as a miracle; the *Queen* went to Brighton to see her, and she was sent to the Mediterranean under the command of one of our oldest officers—a man he believed seventy-five years of age. In order that she might be fairly tried, the Admiralty very properly sent out the *Formidable* in company with her; but the whole of the trial consisted in the *Queen's* running out and home. The ship arrived in Malta harbour, where she had a three years' station of it. He had forgotten to say, that with the example of the *Pique* before their eyes, the Board of Admiralty laid down no fewer than six *Queens*, and that, he conceived, was extremely blameable in them. He believed it to be the fact, nevertheless, and if he could get the papers he had asked for, he would be able to show the state those ships were now in. Well, the *Queen* went to Malta, and the Admiralty seemed to be satisfied with the sailing powers. Now, he would read the Report to the Board of Admiralty, as to the sailing powers of the *Queen*; and here let him say that he could hardly believe, when he read it, that such a document could have emanated from the Board of Admiralty. The document was headed, "Character of the ship after nine months trial."

"CHARACTER OF THE SHIP AFTER A TRIAL OF NINE MONTHS.

"How does she stow her provisions?—Well.

"Does she ride easy at her anchors?—Very easy?"

Not the smallest doubt of it; she was hardly ever out of harbour.

"How does she stand under her sails?—Remarkably stiff.

"How does she carry her lee ports?—Rather low, being too much immersed.

"Does she roll easy or uneasy in the trough of the sea?—Remarkably easy.

"Does she pitch easy?—Very easy.

"Is she, generally speaking, an easy or uneasy ship?—A remarkably easy ship.

"How does she in general carry her helm?—Rather slack.

"How does she steer?—Rather hard in a seaway.

"How does she wear and stay?—Very well.

"Is she weatherly or leewardly, compared with other ships?—Very weatherly.

"How does she behave lying-to?—No trial."

All this time the ship lying in Malta harbour.

"She has run per hour by the log, with as much wind as she could safely bear—Close-hauled.

"Under whole or single-reefed topsails and top-gallant sails?—Never tried under these circumstances with sufficient wind.

"Under double-reefed topsails?—Never tried under these circumstances with sufficient wind.

"Under courses?—Never tried under these circumstances with sufficient wind.

"Large, under all sail that could with propriety be set?—No trial.

"Before the wind, under similar circumstances?—No trial.

"What is her best point of sailing?—Not sufficient trial, but supposed on a wind.

"Comparative rate of sailing with other ships?—No regular trial, but shows occasionally superiority under the same sail.

"Is she, generally speaking, a well-built and strong ship, or does she, on the contrary, show any unusual symptoms of weakness?—Remarkably strong; shows no symptom of weakness.

"Remarks, stating the grounds of such of the present answers as differ from those in last Report, and any other observations tending to form an accurate judgment on the qualities of the ship.—Since the arrival of the *Queen* at Malta from England, twenty tons of ballast have been discharged out of the after hold, as it was supposed the ship was too much immersed, and it was remarkable, that in the recent cruises, her stability was not in the least affected, as she became lighter in the water, having returned into this port lightened by the consumption of provisions and water of 136 tons.

"H. R. HENRY, Acting Captain.

"G. C. DOWERS, Master,

"T. BARNARD, Carpenter.

"Jan. 1, 1843."

"CHARACTER OF THE SHIP AFTER A TRIAL OF TWENTY-TWO MONTHS.

"Does she ride easy at her anchors?—Easy.

"Inclination of the ship:

"Under stormy staysails or trysails?—Not tried.

"Under stormy staysails and main topsail?—Not tried.

"Under stormy staysails and main topsail, and reefed foresail?—Not tried.

"Under close-reefed topsails and courses?—Not tried.

"Under treble-reefed topsails and courses?—Not tried.

"Under double-reefed topsails and topgallant-sails?—Six degrees.

"Under all sail except royals?—Five degrees.

"Under all sail, when just able to carry royals?—Four degrees.

"How does she carry her lee ports?—Well, since lightened.

"Does she roll easy or uneasy in the trough of the sea?—Very easy.

"Does she pitch easy?—Easy.

"Is she, generally speaking, an easy or uneasy ship?—A very easy ship.

"How does she in general carry her helm by the wind?

"With all sail set?—A weather, when near her trim.

"With treble-reefed topsails and courses?—A weather, when near her trim.

"How does she steer off the wind?—Easy, since lightened.

"How does she stay?—Quick and sure.

"How does she wear?—Quick.

"Is she weatherly or leewardly, compared with other ships, in moderate weather?—Weatherly.

"Is she weatherly or leewardly, compared with other ships in a gale?—Not tried.

"How does she behave lying-to?—Not tried.

"She has run per hour by the log, with as much wind as she could safely carry this sail to—

"Close-hauled with smooth water:

"Under whole or single-reefed topsails and topgallant sails?—Never tried under these circumstances.

"Under double-reefed topsails?—Never tried under these circumstances.

"Close-hauled with a head sea:

"Under double-reefed topsails and topgallant sails?—Never tried under these circumstances.

"Under close-reefed topsails and courses?—Never tried under these circumstances.

"Wind on the beam:

"Under close-reefed topsails and courses?—Never tried under these circumstances.

"Under treble-reefed topsails and courses?—Never tried under these circumstances.

"Under double-reefed topsails and topgallant sails?—Never tried under these circumstances.

"In moderate weather, unable to carry royals?—Never tried under these circumstances.

"In moderate weather, with all sail set?—Never tried under these circumstances.

"Wind on the quarter:

"In a gale?—Never tried under these circumstances.

"Under double-reefed topsails, topgallant sails, and scudding sails?—Never tried under these circumstances.

"In moderate weather with royals and

studding sails?—Never tried under these circumstances.

"Before the wind:

"In a gale?—Never tried under these circumstances.

"In moderate weather, with all sails set?—Never tried under these circumstances.

"How does she scud in a heavy gale?—Never tried under these circumstances.

"What is her best point of sailing?—No trial of sufficient duration.

"Comparative rate of sailing with other ships?—Great superiority over ships of her class.

"Is she, generally speaking, a well-built and strong ship, or does she show any symptoms of weakness?—A strong ship.

"Has the ship been ashore, or has she struck the ground, at any time during the period of this report; if she has, mention the time and place, and the date of the report of the circumstance, and to whom made?—Never.

"Remarks, stating the grounds for such of the present answers as differ from those in the last report, and any additional observations on the quality of the ship?—No difference in substance from former report.

(Signed) "G. F. RICH, Captain.

"C. P. BELLAMY, Master.

"T. BARNARD, Carpenter.

"Dated 1st Jan. 1844."

The House, he hoped, would see that he did not want to make "fish of one and flesh of another." He had read the Report of an Officer of the Navy, one of the most clever and talented in the service. He had set out by praying the attention of the House to this question, for it was not one either of party or politics. Now, he would say it was wrong for the Board of Admiralty to lay down six *Queens* without trying the ship at all—he certainly could not see why they were proceeded with. Well, the *Queen* came home, was sent into dock at Portsmouth, and received a complete overhaul. He had the authority of her captain for saying that she was exactly trimmed to the trim pointed out by the Surveyor of the Navy, and her masts were stayed by his dictation. The Admiral at Portsmouth, whom every body knew to be as good a seaman as possible, declared that she appeared to him in everything a complete ship. She then went to sea with the *St. Vincent*, *Caledonia*, and *Albion*. The *St. Vincent* was by no means a fast ship—he had brought her to Portsmouth when in command of the *Galatea*, known as the greatest brute in the service—but she beat the *Queen* completely, although when taken into dock the other day her bottom was found to be quite foul. It appeared that

the *Queen* steered so badly that she was obliged to have her foresail up and her mainsail set to keep her by the wind. She pitched in such a tremendous manner that her middle-deck bow ports were in the water, and he understood that her rolling was of the same nature. They had the Report of the gallant Officer commanding her, who did not appear to have had much opportunity of trying her, and who seemed to have had much difficulty in picking up a gale of wind on the coast of Portugal in winter; but if he had extended his peregrinations as far as the Western Islands, he would have, perhaps, found no difficulty whatever. It appeared from the Reports of this gallant officer, that the *Queen's* great fault was an apparent want of sufficient power in her rudder, causing her to carry a slack helm, and that, under low and easy sail, she could not be well kept to the wind. The *Queen* returned to port, and was finally paid off at Sheerness, and was now in the dockyard at Chatham, to have her keel increased, her stern-post changed, her magazine altered, and other repairs. This was of course all done with the approval of the Surveyor of the Navy himself. Now, if this doctoring did not succeed in the case of the *Queen*, what was to be done? Were they to return to the system upon which they acted fifty-five years ago? Were they to go on building three-deckers and making them seventy-fours, building seventy-fours and making them frigates, building frigates and making them corvettes? If the *Queen* did not answer, it would puzzle the Admiralty to tell what to do with her. The only thing they could do was to follow the example of their predecessors in the case of the *Boscawen*. That ship was first of all laid down, in 1814, as a 74-gun ship; in 1819, she was made an 80-gun ship; and in 1834, after eight years' seasoning, she was changed into a 70-gun ship, upon the Surveyor's present plan. He now came to the *Albion*. Sir Robert Seppings, before he quitted the Navy Board, laid down three 92-gun ships, the *London*, the *Nile*, and the *Rodney*. The *Rodney* had gone through two commissions; she carried 32-pounders on her lower deck, her main deck, and her quarter-deck; she measured 2,626 tons, and her hull cost 67,550*l*. This vessel was commanded by Admiral Sir Hyde Parker, than whom there was not a better seaman in the whole Navy, and afterwards she was commanded by Captain Mansell,

of whom the same might be said. The qualities of the vessel were approved of by both those officers. Whether considered as a sea-boat or as a man-of-war, there was no better vessel, although, of course, not so fast a sailer as some of the smaller ships. She was an excellent man-of-war, and though she carried five months' provisions, a year's stores, and full of water, she carried her lower-deck ports 7 feet 11 inches out of the water. The ship was perfectly stiff, never heeled more than 7 degrees, rode as easily and pleasantly as possible in a gale. It was very natural when the late Board of Admiralty came into office, that they should endeavour to construct ships on the new principle which should turn out as well as those built on the old principle; and it was very natural to suppose that as other ships had worked well on the new principle, those about to be built should do so also. Accordingly the *Albion* was built, and commanded by an excellent seaman, Captain Lockhart. He (Sir C. Napier) believed that six ships were laid down on the principle of the *Albion*; but he might be in error from the want of the papers. He believed that the gallant Officer opposite was favourable to the principle of the *Albion*, and that some years ago he wrote a pamphlet, if not exactly on that subject, yet one in which he took occasion to speak favourably of that class of ships. Well, it was decided by the Admiralty to send out a squadron, and the *Albion*, *St. Vincent*, *Queen*, and *Caledonia* were sent out; and although, as he was informed, they had no weather fit for trying experiments, yet he had heard that the *Albion* was to windward with a heavy swell, and rolled so dreadfully that it was impossible to keep her lower deck ports open. And here he might relate a little anecdote of the gallant Officer opposite, who was then in command of the *Albion*. That gallant Officer quitted his own ship, which was pitching and rolling about, and on coming alongside the *Caledonia*, one of the boat's crew was so astonished with her comparative stillness, that he exclaimed to a brother sailor—the House would forgive him for quoting the words—"D—my eyes, Jack, is your ship aground?" That the *Albion* sailed better than most of the other ships he (Sir C. Napier) admitted, but she exceeded the *St. Vincent* by but very little. He had understood—but if he was wrong the gallant Officer would contradict him—that the *Albion* laboured under the disad-

vantage of being unable to keep her lower deck ports open; that was to say, that while the lower parts of the *Caledonia* and *St. Vincent* were open, those of the *Albion* were obliged to be shut. If that were the case, he regretted very much that the gallant Officer did not signal her to open her ports, and run out her lower deck guns. In that case the Officer in command must have been placed in this very unpleasant position—he must either have opened his ports, swapped his ship, or made the signal of inability. But after such a fact as that, all the writing and talking on earth about the excellent qualities of the *Albion*, would have been of no avail. He saw that an hon. and gallant Friend of his opposite, enjoyed all this very much, being himself an old sailor, [the hon. and gallant Commodore alluded to the Solicitor-General, Sir F. Thesiger;] and that learned Gentleman would be an authority, besides the gallant Officer opposite, able to judge of the force of such an objection against the *Albion* as he had been urging. But there was another mode by which the true character of the *Albion* might have been ascertained. It would have been easy to have ordered the *Queen* to engage with the *Albion*—of course with unshotted guns—and it would have been seen by the fire kept up by the latter, whether she was really the superior ship she was reported to be. He would take the Report of the Captain of the *Albion* himself, and that Officer stated that the *Rodney* carried her ports 6 feet 7 inches above water, with all her stores shipped; while the *Albion*, with only three months' provisions on board, carried her lower ports only 3 feet 9 inches and a half above water. But even from that calculation must be deducted three or four inches for the difference between the inner and outer sill of the port, which would reduce it to 3 feet 6 inches. He hoped he had not fatigued the House by the minuteness with which he entered into particulars. He felt a great obligation for the indulgence which had been already shown to him, but the subject was really of vast importance, and he would endeavour to be as brief as was consistent with his duty. By the Return furnished by the Admiralty, and now upon the Table, it appeared that since 1830 there had been launched five 120-gun ships, costing 319,436*l.* for the hulls alone. The hon. and gallant Officer read the following table:—

I. SHIPS LAUNCHED SINCE 1830

Year.	Name.	Guns.	Tonnage.	Cost.
	Neptune	120	No returns	
1841	Trafalgar ..	120	2,721	87,588
1833	Rl. William ..	120	2,698	82,183
1833	Waterloo	120	2,718	70,553
1840	St. George ..	120	2,719	79,112
	Total			319,436
1839	Queen	110	3,104	83,000
1833	Rodney	92	2,626	67,550
1839	Nile	92	2,622	70,909
1840	London	92	2,602	71,648
1842	Albion	90	3,110	81,349
1831	Thunderer ..	84	2,279	72,292
1832	Monarch	84	No return	
1831	Calcutta	84	2,299	No return
1835	Vanguard	80	2,609	62,115
1841	Collingwood ..	80	2,585	59,792
1842	Goliath	80	2,596	56,757
1842	Superb	80	2,583	54,980
1842	Centurion	80	No return	
	Total			233,744
1842	Cumberland ..	70	2,214	45,025
1842	Boscawen	70	No return	
1832	Vernon	50	2,082	48,437
1842	Worcester	50	1,473	44,466
1843	Chichester	50	1,501	35,033
1832	Castor	36	1,293	29,578
1836	Inconstant ..	36	1,422	30,922
1834	Pique	36	1,633	33,061
1841	Cambrian	36	1,625	33,289
1844	Flora	36	1,634	No return
1833	Forth	44	1,228	28,542
1833	Meander	44	.....	No return
1833	Vestal	26	913	21,383
1833	Spartan	26	913	
1833	Carysfort	26	913	
1833	Iris	26	913	104,584
1833	Cleopatra	36	913	
1833	Calliope .....	.....	No return	
1832	Andromeda ..	26	717	14,845
1832	Conway	26	652	No return
1831	Imogene	26	660	16,314
1831	Actæon	26	620	No return
1839	Fantome	16	484	10,339
1839	Helena	16		
1839	Wolverine ..	16		
1839	Harlequin	16		
1839	Siren	16		
1839	Frolic	16		
1839	Albatross	16		
1839	Snake	16		
1839	Serpent	16	.....	153,520
1839	Ringdove	16		
1839	Rose	16		
1839	Wanderer ..	16		
1839	Sappho	16		
1839	Lily	16		
1839	Grecian	16		
1839	Pilot	16		
1839	Acorn	16		
1831	Fly	18	485	12,431
1831	Harrier	18	486	12,365
1832	Rover	18	590	No return
1836	Dido	18	734	14,969
1837	Modeste	18	568	11,097
	Total			50,862

The total amount since 1830, was £1,668,406.

Besides the ships he had mentioned, he should be able, when his other papers came from the Admiralty, to show the number of ships upon the stocks, and how far they were advanced. There was one observation he had forgotten to make respecting the *Albion*, which was very important. It appeared that when she came into Plymouth the other day, after having been only a year out and very little at sea, her water-ways were so open that before she could be caulked she was obliged to be listed, and wood driven in between her seams. It appeared that although she only wanted caulking, there were no less than 100 shipwrights employed upon her for seven days, or, as it might be said, 700 men were working on her. He now came to steam-boats. Before the year 1831, there were only twelve steam-boats in the Navy, and they were small vessels. But in 1831, steam begun to take a turn, and look up. The Government saw that it was absolutely necessary something should be done about steam. He had certainly thought them rather slow about it, and he himself had then constructed six or seven steam-boats; and so he fancied he knew something about them. At that time several steam-boats were laid down; and he spoke to his gallant Friend, Sir Thomas Hardy, requesting him to apply to the Admiralty, to name a commission of two or three officers and engineers, to confer respecting the construction of steam-vessels. But Sir Thomas Hardy said to him, "It is of no use going to the Admiralty, because they will not listen to us." He then took upon himself to write to the Lord High Admiral, who was then in office, upon the subject of steam-boats:—

"Oct. 4, 1829.

"SIR,—To render steam-boats fit for war, requires a better combination of construction and arming than we seem to be aware of; and, as I understand there is a steam man-of-war of 700 tons to be laid down at Woolwich, I trust His Royal Highness, the Lord High Admiral, will not think it presumptuous in my stating my opinion on the subject. I have had a considerable degree of experience, but I do it with great diffidence, being well aware of the difficulty of the subject.

"As it is uncertain whether the various experiments now trying will succeed, I shall base my opinion on the system of Bolton and Watts, and shall begin with the construction of my vessel, limiting myself to a steam corvette.

"I should propose she should be 30 feet wide, 150 feet long, and 18 feet deep from the gun-deck. She ought neither to be so fine as a man-of-war, nor, on the other hand, have

the capacity of an Indianman. In the first case, she would not stow sufficient quantity of fuel, and would draw too much water for most purposes; in the latter case, she would not steam with sufficient rapidity. Her floor should not be quite flat, but nearly so, and its length one-half the vessel; the form of the bow and run would occupy the other half. I beg it fully to be understood that I do not propose this as a vessel offering the last resistance, but as one combining the requisites necessary for a steam man-of-war; such a vessel, light, would draw less than four feet, and with her engines and boilers would not much exceed six feet, and would certainly be under seven; and with 600 tons of coals would draw about twelve, having her guns six feet above the water at her greatest loading. She would consume twenty-two tons of coals a day, and, if the coals are good, and with great care, something less. The engines and boilers should be secured against shot as I have already proposed. Experience has proved beyond a doubt that the fittest vessels for sea are those constructed according to the plan of the steam-boat at the Admiralty; and I should recommend the wheels not to be so broad as they usually are; such a vessel would certainly not go so fast in the river Thames, but in rough weather the wheels would always be under the command of the engines.

"The Lord High Admiral has, no doubt, observed that according to that plan, it would be impossible for a man-of-war to keep her guns run out so many feet beyond her real breadth; they might be fought in that way in light winds, it is true, but not even then without straining the ship.

"I would, therefore, abandon entirely the system of broadside guns, and mount amidships as many heavy guns as the ship would bear, and as there was room to place on pivots to point all round, as the privateers were wont to do in the West Indies, in addition to two bow and stern chasers mounted the usual way.

"She should be rigged as a three-masted schooner, with the lower masts in two, having top-sails, rut-sails, &c., and all the necessary sails for common purposes; and which, with the exception of the lower part of the lower mast, should be got down the moment it became necessary to steam in bad weather against the wind.

"To His Royal Highness, the
Lord High Admiral."

That was the letter he had thought it his duty to write to the Lord High Admiral. He was sorry to say that not the least attention was paid to it, and since then he had gone on for fifteen or sixteen years with the same arguments, yet still seeing the authorities building steam-vessels, like a wedge, without any bottom at all, and so narrow, that they were obliged to raise a

platform to put their engines upon. Before that time, steam was esteemed of little importance: but when the right hon. Baronet came into office, he did, much to his credit, take steam up; he turned his attention to it, and called in the opinion of Sir Thomas Hardy. Now, he (Sir Charles Napier) concluded that when Sir Thomas Hardy came into office he should have no trouble in gaining the attention of that gallant Officer to the subject. But there really seemed some extraordinary influence belonging to the walls of the Admiralty; for when Sir Thomas Hardy was within them, he (Sir Charles Napier) found his work quite as difficult as before. He was just as difficult to deal with as any other Lord of the Admiralty. Now, he did think, when they undertook to lay out such enormous sums upon the construction of steam men-of-war, care ought to be had that they should be rendered as perfect as it was possible to make them. These vessels must be considered in the light only of corvettes; and he did not see any impropriety in not putting main-deck guns in them. But a great part of the vessels constructed by the Surveyor of the Navy had the same faults as those which characterised his sailing vessels. The first disadvantage was, that they were so sharp that when the machinery was put in they were obliged to raise it too high; they were obliged to get a platform for it, so that it lay exposed to the shot of the enemy. Another error lay with the engineers; but he did not blame them, but the Board of Admiralty, for not having brought the engineers together, to let them know that no steam man-of-war is of use, the machinery of which is exposed to be destroyed by the first shot of the enemy. Now, he had no hesitation in asserting, that not one of these steam-boats, built at the cost of these immense sums, had the slightest pretensions to be considered as a man-of-war. There was not one of them that the first shot fired would not enter her machinery, and blow her up. But had those vessels been built flat, and of sufficient depth, the case would have been altogether different. If the engineers and builders had been brought together, and had been told that it was absolutely necessary the engines should be under water, there was not one of them, he had no hesitation in saying, who could not have built ships for that purpose. Another grand fault in these ships was, that when they took in their goals—and none of them could carry more

than from ten to twelve days' supply—the wheels of every one of them were completely buried in the water, so that half their power was consumed. But he was now coming to a still greater error. After having built these smaller vessels, the Admiralty thought they would run the risk of constructing a frigate, and the *Gorgon* was laid down, a ship of 1,111 tons, and built at a cost of 58,000*l.* for her hull alone. Now, what was the case with respect to this frigate? She had only one gun fore, and another aft, and had no means of running a gun out of her main deck. They were now told, indeed, that it was not intended to mount main deck guns at all. So that these ships were so constructed, that they had no means of firing from their main deck at all, nor could they fire two guns right ahead. The counter was, moreover, carried up too high. Then, if chased by a superior force, this vessel could only bring one gun to bear astern for her defence. All he could say, was this, if it was intended that this frigate should carry main deck guns, she was a direct failure; and if it was not intended she should carry them, the people who built her knew nothing at all about the matter. Well, then, the *Gorgon* was a failure. Then came the *Cyclops*, the tonnage of which was 1,195, and she cost 27,411*l.* She, also, had no main deck guns, though there were rings for them, and bolts to run them out, so that people supposed she was to carry them. But there was the same fault in the *Cyclops* as in the *Gorgon*, and, for the sake of giving her a smart, handsome stern, like a Virginia pilot boat, it became impossible to put her engines in a proper position, and instead of having four guns at her head and four astern, she was unable to carry one. So also with respect to this frigate, he would say, that if intended to carry main deck guns, she was a complete failure, and if not, those who built her knew nothing about the matter. It was melancholy to see such a waste of money upon an enormous steam navy, and none of the vessels worth anything. The next vessels on the list were:—

Driver	.	.	.	1,059	£26,682
Styx	.	.	.	1,057	22,967
Vixen	.	.	.	1,054	21,474
Geyser	.	.	.	1,054	22,553
Growler	.	.	.	1,059	22,231
Devastation	.	.	.	1,058	21,865
Thunderbolt	.	.	.	1,055	24,655
Cormorant	.	.	.	1,057	26,076

Spiteful	1,054	£23,074
Virago	1,059	23,034
Medina	889	18,252
Hecla	817	16,219
Vesuvius	970	20,980
Stromboli	967	22,372
Hydra	818	15,357
Ardent	801	14,631

All of them were less in tonnage than the *Gorgon* and *Cyclops*, and none of them were properly constructed. If they had been, he had no hesitation in saying there were none of them which ought not to fire four guns, nearly if not right ahead, and four astern. Then there were the following ships:—

Firebrand	1,190
Vulture	1,191
Eclair	1,059
Gladiator	1,210
Samson	1,299
Retribution	1,641
Scourge	1,124

There was no Return of the expense of these vessels, but all of them were exactly in the same category with the corvettes and frigates he had mentioned. Not one of them was able to carry main deck guns, but were fitted out with fine sterns, like Virginia pilot boats. When a builder presented a model, he was responsible for the ship built after that model, but the Board of Admiralty were responsible for the adoption of the model; and the first question to the builder ought to be, "Where are your bow guns?" The fact was, we had not a single steam-ship to fight two guns ahead and two astern. There were two bow ports, indeed, but it was impossible to work them with any facility whatever, on account of the vessels being so sharp. There was the *Retribution*, an enormous steam-vessel of 1,641 tons; she was to carry one gun upon a pivot abaft, and either four or six, he was not sure which, on her upper deck; but the necessity of stern and bow guns seemed never to have entered the heads of her constructors, and she had cabin windows up to her very deck. And then, instead of carrying her engines and boilers sufficiently low, they were even more exposed than in the other vessels. When she went down to Chatham the other day, having only her engines on board, her wheels were plunged into the water four feet six inches, which was more than ought to have been, had she had all her stores and guns shipped. Then there was the *Terrible*, the last steam-ship launched, which the Government had built by Mr. Laing. She measured 1,840 tons,

and was larger than any of our old line-of-battle ships. The *Terrible* was unquestionably better than the other vessels. He believed the Surveyor of the Navy would never have listened to anybody's opinion; but after all, he had come down to flattening his boats a little more, certainly at a great expense to the public. He did not know the number of steam-vessels upon the stocks. There was a great number, he was aware; but how far they were advanced he knew not. One, he understood, was in a forward state—the *Avenger*, a large vessel; but, whatever might be the state of forwardness of all these vessels, it would be much better to pull them to pieces than to go on building them according to the present system. It was actually throwing money to the winds. They could never be of any service whenever this country should go to war; because steam-boats could neither be more nor less to the Navy than what the cavalry was to the Army. No Admiral would ever send two steam-boats to fight each other; a general might just as well send out two regiments of cavalry to have an afternoon's amusement with each other. He should like to know how any steam-vessel could harass the rear of the enemy, if she had no guns at her bow. None of the steam-vessels belonging to the British Navy had guns at the bow. He had seen them with his own eyes, and could testify to the fact. Another use for steam-boats in a time of war would be to cover a retreat. Suppose a squadron running away from a superior fleet, the Admiral would be obliged to send the steam-boats astern to keep the enemy's vessels off. But how could such a retreating fleet be protected if there was only one steam-boat, and that boat with only one gun astern? Now, what was the fact? It could not be too often repeated—there was not, belonging to the British Navy, a steam-boat with more than one gun astern, except the *Terrible*, which had two. And yet, notwithstanding this fact, and notwithstanding the great and serious consequences which might be involved in this state of things, the Board of Admiralty looked with a jaundiced eye upon all the suggestions which men of experience had made to remedy so glaring an evil in the naval system of this great country. [Laughter]. The right hon. Baronet might laugh, but these were straightforward facts; and if the right hon. Gentleman could point out one single steam-boat in the British Navy that could work her bow guns upon the main deck,

he would cut his head off. All that he had to ask, then, in moving for a Committee of inquiry, was simply this: had they succeeded, or had they not, in the manner in which the Board of Admiralty had hitherto been going on? If not, and it was his firm conviction that they had not, then they ought to make a change. He should have preferred asking for the appointment of a Commission to inquire into the whole system of the naval construction pursued by the Government of this country; but on consulting with Gentlemen who were better acquainted with the rules of the House than he was, he found they were of opinion that there would be more chance of an inquiry being instituted if he moved for a Committee, limited to the terms of his Motion, than if he had adopted any other course. For his own part, he did not care whether the inquiry were conducted by means of a Commission, or by a Committee of that House; all he was anxious for was that an efficient inquiry should be made, and he implored the House not to grant one single shilling towards the Navy Estimates until some competent body should be appointed to examine thoroughly and completely into the present condition of the Steam Navy of this country, in order that the errors existing in the system now pursued might be discovered, and a better plan devised for the future. Until an assurance should be given by Her Majesty's Ministers that something of this sort should be speedily done, he for one would not vote for the appropriation of a single shilling of the public money towards the Navy Estimates. He had been induced to bring this subject forward from the knowledge he possessed of the present condition of the Navy of this Empire; but he should not have entertained any hope of success in his efforts if he had not known that the public press had at length made it a matter of grave discussion. It was not till now that he had been able to get the House, or, at all events, the Government for the time being, to listen to any of the suggestions which he himself had from time to time made in relation to the state of the British Navy. He certainly had in all his communications with the present Board of Admiralty met with the greatest courtesy, especially from the gallant Officer opposite (Sir George Cockburn). That gallant Officer had always met him (Sir C. Napier) with great kindness and cordiality, and he was certainly induced to entertain some hopes that an endeavour would at length be made

to put an end to this bad system. He thought the House ought to grant him the Committee he now asked for. He had made some very strong statements to the House, and he was perfectly certain that if an inquiry were granted he should be able to make those statements good. The House was bound, in honour and justice to the Surveyor of the Navy, as well as to the present Board of Admiralty, and also to their predecessors, to institute an inquiry, in order to know whether he had been maligning them or not. Knowing, however, full well, that if he should obtain a Committee, he would be able to substantiate everything he had stated, he now begged to move

"That a Select Committee be appointed to inquire into the manner in which the money voted since the year 1835 for the construction of Ships has been expended, and if the Ships constructed are an improvement of the old system."

Mr. *Hume* seconded the Motion, as he was anxious to see a searching inquiry into this subject instituted. It was a question not new to the House. He thought a great responsibility attached to the right hon. Baronet the present Secretary of State for the Home Department, for the course which he took in the year 1832, when First Lord of the Admiralty, and for the changes which he had then made. He would not, on this occasion, enter into details, but the changes which the right hon. Baronet at that period made, were such as challenged inquiry; and the question could not be satisfactorily settled until that inquiry took place; and in order to embrace the period from which those changes were made, he could have wished that his hon. and gallant Friend (Sir C. Napier) had fixed the year 1832, instead of 1835, as the time since which he was desirous to ascertain the appropriation of the public money in the construction of ships for the British Navy. On the 29th of June, 1832, when he, in a Committee of Supply, challenged the policy of the changes which the right hon. Baronet had made by appointing Captain Symonds to be Surveyor of the Navy, when pupils who had been educated at the School of Naval Architecture at a considerable expense, were passed over, the right hon. Baronet made use of an expression which had often been quoted, and which had excited a great deal of feeling among a large class of persons. The right hon. Baronet said—

"That he had acted in accordance with the best naval advice, and that he was firmly

persuaded that a naval captain was more competent to act as the Surveyor of the ship-building department, than any other gentleman that could be selected to fill it."

This was as much as to say that science was of no value in ship-building. Science which in every other mechanical department was found to be so essentially advantageous, and which had been the means of advancing the arts to an immense extent, was declared by the right hon. Baronet (Sir James Graham) to be of no use whatever in the construction of ships. It was important that the House should know what had taken place upon this subject, for it involved great national interests. This country was the greatest commercial nation in the world, and required necessarily to have the most powerful and complete ships; and yet, to the reproach of England, she was now, and had been from the earliest ages, the most backward nation in the application of science in the construction of ships. The consequence was that no two ships had ever been built in this country upon the same principle. So defective, indeed, was the method upon which the ships of the British Navy were constructed, that whenever any foreign ship was captured, its plan of construction was immediately copied by this country. French, Danish, Swedish, and Spanish ships had all in turn been preferred to those of England. This subject had attracted public attention so early as 1791, when a Committee was appointed to inquire into it, and two eminent British Admirals were members of that Committee. The defect was considered to be of such importance, that an Association was formed, calling the attention of the country to it; and so sensible was Lord St. Vincent of the importance of remedying the inconvenience, and of removing the stigma which attached to the British name, in as far as naval architecture was concerned, that he promoted the formation of a School of Naval Architecture. There was a school of naval architecture in France, in Spain, in Denmark, and in Sweden. However anxious he might be to see the public expenditure conducted upon economical principles, yet he never had objected to a liberal outlay upon the naval power of the country, because he conceived our Navy to be the natural defence of our insulated position. In the third Report of the Commissioners who were appointed in 1806 to inquire into the state of the British Navy, they stated that the means taken by France for promoting

naval architecture were greater than those adopted in this country, and that no little attention was paid by men of science to naval architecture; and that while our rivals in naval power were employing men of the greatest talents, and were availing themselves of the highest scientific knowledge in the construction of ships, this country was grovelling on in the dark. In consequence of this recommendation, sanctioned by the Earl St. Vincent, a School of Naval Architecture was established. This was in the year 1809. In 1811, it came into full operation, and continued until 1832, when the right hon. Baronet (Sir James Graham), as the First Lord of the Admiralty, abolished the system, declaring that not one of those gentlemen who were educated at the school was sufficiently qualified to fill the office of Surveyor to the Navy; and he then appointed Captain Symonds, who possessed no scientific knowledge whatever in naval architecture, to that department. Notwithstanding the representations made to the House on that occasion, the right hon. Baronet obtained a majority, and carried through his measure, thereby inflicting much injury upon a body of men who had devoted themselves to the study of naval architecture, under the pledge given that they should rise by degrees to fill such situations as were connected with their peculiar pursuits. The education acquired at the School of Naval Architecture was of the most comprehensive description. There was not a branch of science applicable to shipbuilding which was not taught; and the pupils, before obtaining any employment, underwent the strictest examination as to their knowledge and qualifications in all that related to naval architecture. No doubt those who held commissions in the Navy were required to undergo a certain degree of scientific instruction; but there was nothing in the system of education they were subjected to which enabled them to judge of the application of principles to the construction of a ship, or to make improvements in naval architecture. By taking away, therefore, that important branch of professional education, the right hon. Baronet at once deprived this country of the means of reaching the same height in naval architecture as other countries. This was a most unwise course, and particularly at a time when a large sum of money was about to be expended on the Navy. Seeing that England was the only country that for the last twenty years had been building large ships that were unmanageable, and

which were constantly being cut down into frigates or brigs, he considered it was high time that some inquiry should be made, to ascertain how all this might be corrected. Everything that came to his knowledge convinced him that England was very much behind other countries in naval matters. How was it that no two ships could be built by Sir William Symonds having the same qualities? Why was it, after fourteen years' trial, that he had not been able to discover any one plan by which a ship might be built that should be better than any other? If Sir William Symonds had made any such discovery, why had it not been tested by a trial, and after the experiment made, why should there not at this moment be lying before them a Report as to what that superior mode of construction was, in order that the public money might be laid out to the best advantage, and to the greatest credit of the country? This was the ground why he was anxious for an inquiry to be instituted. No written Report by Sir William Symonds would be satisfactory. The investigation must be by personal examination, whether by a Committee or by a Commission he cared not. If it should turn out, as he feared it would, that this country had not availed itself of the advantages of science in the building of ships, he would be happy to see the restoration of the School of Naval Architecture which the right hon. Baronet destroyed, or at any rate to see whether the advantages which were promised by the appointment of Sir William Symonds had been realised. The right hon. Baronet said, that that appointment was an experiment. Let it, then, be tested as an experiment. The question was one of great importance, and demanded investigation.

Sir George Cockburn confessed that, in respect to all which the hon. and gallant Commodore (Sir C. Napier) had said relating to naval affairs, so far back as 1806, he was scarcely able to follow him. At that time he was at sea carrying on the war against France, and was not acquainted with the circumstances to which his hon. and gallant Friend had alluded. He could only say that that system, which was not perfect in 1806, might be in a very improved state now. It was very probable that the vessels built during the war were bad; but it might be supposed, from the statement of his hon. and gallant Friend, that those vessels were cut down at once into frigates; but the fact was other-

wise. They had become old ships and required repair; and not being thought worth that expense, they were then cut down to make efficient frigates. There could be no blame imputed to the authorities of that day for taking such a course. But those were matters which had occurred a long time ago. What he more particularly wished to do, was to bring before the House the charge which had been made against the present Board of Admiralty. It was rather unfair to expect him to defend what had been done in former times, and by other Governments, when he was far away. The Board of Admiralty was charged with having allowed Sir William Symonds to build ships upon his own plan, before it had been sufficiently tested. With respect to that gentleman himself, he (Sir G. Cockburn) called on the House to recollect what the feeling was towards that officer when he (Sir George Cockburn) came into office; and to say, if the present Board of Admiralty had, on coming into office, suspended all the work which Sir W. Symonds was proceeding with in the building of vessels, whether it would not have been considered a mere party proceeding, and would not the Admiralty have been accused of treating that officer in a way which was not deserved? No doubt about it; no more than there was that the great majority of the Navy, with a very large portion of the public, considered that Sir W. Symonds had rendered great benefit to the Navy by increasing the size of the ships, by making them broader and more capable of bearing the weights they had to carry. Perhaps, indeed, he had gone to the extreme, and had made them broader than necessary, which might have tended, with his mode of construction, to cause the uneasy motion complained of as attaching to them generally. When the present Board of Admiralty came into office, the *Queen* was the largest ship built by Sir W. Symonds. That ship went to sea soon afterwards, and proceeded in company with the *Formidable* to the Mediterranean; and every report that came home had been highly favourable to the *Queen*. She was reported to be the "finest first-rate and three-decker in the service." She was tried against other vessels (for in spite of what had been stated by the gallant Officer opposite, several trials had taken place), and she was reported to have beaten the *Howe*, a ship of her own class, the *Rodney*, and, in short, every other ship except the *Van-guard*, which latter ship, it must be ob-

served, was also built by Sir W. Symonds: Would the Admiralty then have been justified in at once stopping entirely the building of ships by the Surveyor of the Navy? Sir W. Symonds was not an officer of their appointing; but he (Sir G. Cockburn) considered him to be an officer of much merit, and entitled to support and protection. But he must say, that the Board of Admiralty, on coming into office, did not deem it right to confine the construction of our ships of war to one individual only. The Admiralty, therefore, checked the advancement of the larger ships building until an opportunity should be afforded by the completion of the *Albion* to test the efficiency of that principle of construction; and the *Albion* was the only one, therefore, hurried forward; and when that ship was ready, she was ordered to join the *Queen*, the *Caledonia*, and *St. Vincent*, to try their comparative qualities—the reports of which trial not having proved so satisfactory relative to the *Queen* and the *Albion* as desirable, the completion of the ships on the same principle was entirely stopped; and the Surveyor having requested certain alterations to be made in the *Queen*, she had been docked for that purpose; and it was intended when she should be again ready, to send her for further trial with the *St. Vincent*, the *Albion*, and *Rodney*, together with the *Vanguard*, *Superb*, and *Canopus*, the last-named ship having been selected in consequence of her having been considered the finest and best two-decker of the last war, and to have carried her lower deck ports open longer than any other ship of that day: she would, therefore, afford the best proof as to our gain or otherwise by the present mode of construction. Further, the Board of Admiralty, soon after coming into office, without detracting from the merits of Sir W. Symonds, appointed a Committee composed of the master shipwrights of all our dockyards, to report what they deemed the best plan for constructing our ships of war for affording them the greatest degree of strength generally, and most efficiently arming their bows and sterns: that Committee sat a considerable time, and its detailed report was forwarded to Sir W. Symonds for his observations; and, though he differed from the Committee on many points, most of its recommendations had been adopted, modified to a certain extent by the Surveyor's observations. After that, the present Board of Admiralty selected three of the most talented of those educated at the School of

Naval Architecture, to meet as a Committee to examine scientifically the errors of construction of our former system of building, and to report the cause of their having been less efficient than those of other nations; and they were to submit to the Admiralty the lines they would propose for a ship of each class as the most perfect, according to the principles their science should dictate, and of which they were to superintend the building; and under this latter direction, the *Espiegle* brig had been built. But it was only fair to say, that that brig had not shown any great superiority; for in the trial she only stood third in the report—Sir W. Symonds' brig, the *Flying Fish*, having been placed as second; and the brig of Mr. White, a practical man (the *Daring*), proved the best and fastest of the whole. Mr. White had also done an extraordinary thing. One of the worst of the 42-gun frigates had been picked out. She had had her bow cut off. He had lengthened it, put a new bow on, and the report upon her trial was, that she had done wonders. He thought that he had stated enough to show that the Board of Admiralty had not been indifferent to the very important question of the construction of ships. They had done everything in their power to discover what was the best system of building; but at the same time they felt that they ought not to do anything to hurt the feelings of a man like Sir W. Symonds, who, on the admission of every one, had rendered great service to the Navy and to the country. They had made up their minds not to trust any single person with the building of the Navy; but they had not been in too great a haste to overturn what they had found established. If those large ships of which the gallant Officer had spoken—the *Queen*, the *Albion*, and others—turned out inferior, they had determined that those now on the stocks should be altered in conformity with another model. In answer to what the hon. Member for Montrose had said about the School for Naval Architecture, he might state that the present Board of Admiralty had brought them forward, and had given them high appointments as opportunities offered; and he would instance Mr. Fincham and Mr. Laing, as two who had been advanced to be master shipwrights, and the others filled the stations of master shipwrights and foremen of our yards. It was, therefore, unfair to insist that they had been thrown on one side. If the results of the present inquiry should justify it, there would

be no objection to re-establish some system of that description. The gallant Mover founded his proposal on the necessity for a Committee in order to ascertain what ought to be done; but his (Sir G. Cockburn's) strong impression was, that a Committee of the House of Commons was the very worst tribunal that could be selected for the purpose. For himself, he could say that it was the bounden duty of the Admiralty Board thoroughly to investigate such matters; and if the House of Commons thought those now at the head of the Department incompetent to the duty, it had nothing to do but to remove the present occupants of office, and to place at the Board either the gallant Mover, or any other set of Gentlemen they might prefer. He was quite sure, let the Board of Admiralty consist of whom it would, that it was the only proper channel for the investigation of such subjects. So much for sailing ships. He would now advert to steam-ships; and he could assure the gallant Officer that he was not more anxious on the question than all who were at present concerned in administering the naval affairs of the country. It was to be borne in mind that most of the steam-ships made the topic of observation had been, if not finished, contracted for before the present Ministers came into power. The first point they had ascertained was, that our steam-ships were under-powered, and that it was necessary to give them more power. It had been truly said, that steam-ships were not, and never could be, the main navy of the country; and the principle the present Admiralty had gone upon was this, to give them the heaviest shot and the greatest range. There had been no intention to put guns on the main deck of those steam-vessels in progress when they came into office; that deck was reserved for carrying troops, and they were armed on the upper deck with the heaviest description of guns they could bear, some of the largest guns carrying solid shot, which insured to them the greatest possible range. The great value and advantage of steam-ships of war, besides that of towing line-of-battle ships in and out of action, would be to assist sailing ships or fleets with their guns of long range, choosing their position beyond the range of the guns of such sailing ships or fleets; but to enable them to do this, they ought not to have bluff bows, as recommended by the gallant Officer opposite, but must be made sharp and capable of going rapidly through the water; with which

view he (Sir G. Cockburn) did not think it would be advisable to overload them with guns, which, by rendering them so much deeper in the water, would, of course, impede their power of rapid movement. As to the *Terrible*, she being of larger size, had been constructed to carry heavy guns on her main deck, and she would fire three heavy guns on the line of keel forward, and two aft, besides her broadside guns of heavy calibre. Some iron steam-ships were now in course of construction, and it was made a *sine qua non* that the main deck should have power to carry two guns forward, and two aft. This, too, was to be accomplished without any increase of bluffness, for the bows were to be as fine as under the former construction. He admitted the guns on the main deck to be an improvement, but he did not think it indispensable. A force of this description would be of great importance along the line of our coast. He knew how many steamers France had, and he also knew how many steamers we had in this country; and though he hoped that he would not be asked to state the numbers, he could assure the House that England had a larger steam force than France had, despite of all that had been said to the contrary. He would not state the numbers to the House; but if he were asked by any hon. Member, he should be very happy to tell him, and prove that we were superior both in number and force. With regard to the remarks made by the gallant Officer relative to Sir Byam Martin and other respectable officers, he (Sir G. Cockburn) would not pay them so bad a compliment as to say one word in their defence, it being wholly unnecessary; but the gallant Officer (Sir C. Napier), must excuse him for saying, that, on certain subjects, he was rather too much in the habit of speaking loosely about others. As regarded the late trial cruise, his gallant Friend behind him would be able to speak for himself, and to defend his own arrangements. He only knew that the Board of Admiralty had been much obliged to him for going, and that he had perfectly satisfied them by the manner in which he had discharged his duty.

Captain Rous said, the Navy, the Government, and the country, were indebted to the gallant Officer who had brought the subject forward. But he also considered the country indebted to those who had abolished the Navy Board; and as to the Naval School of Science—if its efficacy were to be estimated by a model he had

seen as a specimen of its productions, the sooner it was abolished the better. In his opinion the system which had from time immemorial been followed in our dockyards was pernicious. Earl St. Vincent had saved 1,000,000*l.* or so per annum to the country at a stroke, by abolishing one part of the system—that through which treenails were often substituted for copper bolts, &c., practices by which many valuable vessels had been lost. The hon. Member had spoken of round sterns, and he (Captain Rous) remembered the years 1820 and 1822, when there was a mania for fortifying the sterns of three-deckers. Between 1817 and 1823, he had commanded three brigs and a corvette; and he recollected telling his lamented brother-in-law, Sir H. Hotham, that there was not a single brig or corvette in the service capable of firing a stern chase gun, because it could not be fired clear of the port-sill. In fact, millions had been misspent in our dockyards, and it was hardly too much to say, that one-eighth of the National Debt had been incurred by building bad ships, which were either useless at sea, or had never been sent to sea at all. This system had been going on ever since 1815; and he only wished that the burden rested not on the nation, but on the shoulders of those who had caused the useless expenditure. He begged to remind the House that the *Waterwitch* had been proved in all the late trials to be a very fast vessel, and that nobody had been able to say one word against her. As one instance of the system that still reigned, he might mention, that when last year the *Waterwitch* required repairs, double the sum was stated to be necessary, for which the ship had originally been built; and unless this had been accidentally discovered by the builder, she would have been broken up as not worth repairing. It had been reported to him from a very good quarter, that some of the late trial ships had been built of such decayed timber, that they were not water-tight, and that one, after having been taken into dock, had had 500 tons of water pumped into her, in order to find out where she leaked. The effect must be to render the vessel unwholesome for the men, and to injure her sailing powers, by saturating her timbers. If he were allowed his own way, no Surveyor of the Navy should build a ship, but models should be sent in, and all encouragement given to skill and ingenuity;

while the Surveyor, instead of entering into competition, should be one of the judges to ascertain which model ought to be preferred. If he wanted to construct a steamer, he would go to the builder of the *Great Britain*, or to Mr. Napier, as persons who had established their reputation in that line; not to the Surveyor of the Navy. The question raised by the Motion was, whether the ships built since 1835 were inferior or superior to those which had preceded them. He had no doubt whatever on the subject. In the course of his time he had commanded every species of ship which had been condemned; he had commanded a 14-gun brig, one of the corvettes, a donkey frigate, and others, and was therefore able to speak of their qualities. Not one of them was fit to go to sea as a man-of-war; but he admitted that those constructed by Sir W. Symonds were in many respects splendid vessels, but then they were a great deal larger, and totally different from former vessels of the same class. There was no doubt that great improvements had been made of late years as far as frigates were concerned. Having been in the Mediterranean, he had remarked what indeed every one who had been there must have remarked—that the best vessels that were built in the world, were the ships and brigs of the Greek Archipelago. Any one who saw them would say that they were built by Sir W. Symonds; but the fact was, that he took his model from those vessels. The Duke of Portland, one of the best men who ever lived, patronised him; he was allowed to build a brig in competition with other gentlemen. The brigs were tried, and Sir W. Symonds succeeded. But then he proceeded to build vessels without a flat floor, and immediately he did it, every man at the Admiralty said, “We have found out the philosopher’s stone; Sir W. Symonds is building vessels without a flat floor;” the parts fitted each other like a Chinese puzzle, and it was said no further improvement could be made. Every one at the Admiralty Board gave an opinion in their favour; but there were admirals in the service who did not know one ship from another, and Lords of the Admiralty who could not distinguish a first-rate from a Newcastle collier. He very emphatically maintained the necessity of a flat floor, and insisted that every pound weight at the top of a vessel required a certain pro-

portion of a flat floor. If a vessel carried no guns she might do without a flat floor; but if she did carry guns it was impossible to raise a three-decker without a flat floor. Why, the Admiralty ought to be ashamed of themselves for thinking of it. He had commanded one of the 36-gun frigates, built by Sir W. Symonds, and he did his duty then, as he endeavoured always to do it in that House. He told the Admiralty then that she was a very magnificent ship; that she had many good points; that she could stand up under any weight of canvass; but, nevertheless, she had a great defect—she was very sharp under water, had a short bluff bow, and never was fit to meet a head sea. But if any Gentleman would only look at the *Flying Fish*, which was built the other day, and compare her with the *Snake*, which Sir W. Symonds built some time ago, he would say that they were not like the same thing. The *Flying Fish* was one of the wonders of the world; still they could not meet a head sea with a vessel having a short bluff bow; but when he commanded one of Her Majesty's ships, he found to his cost and great inconvenience, and by no means to his profit, that the Admiralty had so identified themselves with the Surveyor, and had ordered so many ships to be built by him—the *Queen* and half a dozen others—that if he had said one word to them, that such or such a vessel is a magnificent vessel, but she has such or such a defect, it would have been considered a personal attack upon themselves. But what happened ten years afterwards? That he repeated what he told them then, and that they were more ready to believe him; but they left a most painful legacy to their successors. He trusted that what he said would not be considered as any attack upon them; but the Admiralty had been three years making up their minds whether the *Queen* was a fit ship to build three-deckers by or not. Now, if he had been ordered to go to the Mediterranean—to Malta for instance—and having made a short passage out, had received orders from the Admiralty to try the two ships, the *Formidable* and the *Queen*, as to their sailing qualities, he should have known that the eyes of the naval world were upon him; and if he had treated the orders of the Admiralty with disrespect, and never made the trial, he should have been plain Mr. Rous, instead of Captain

Rous, for probably he should have been broken by a court-martial. But then again with respect to the steamers, which Sir W. Symonds had built, and which his friends declare as the finest in the world; no doubt when the Admiralty ordered him as Surveyor of the Navy, to build a certain number of steamers, he had done so; but if they had desired him to rebuild Westminster Abbey he would have done it too. Without any more knowledge of steam-vessels than he himself possessed, yet Sir W. Symonds was ready to enter into any expense in building them. But did he find fault with Sir W. Symonds?—although his steamers were failures, and Sir William had spent a million of money to very little purpose, yet he found no fault with him, but with the Admiralty who had employed him. It was not his fault, he was not brought up to it, he was not a scientific man; but the absurdity was picking out such a man to build steam-vessels. He must say a few words about the late trial of the brigs. It appeared to him that under Captain Corry everything was carried on in a fair and straightforward manner, as would be the case when he commanded. They went to Lisbon; it came on to blow; what could they have done better, than with a pretty smart wind, to beat off the shore? They were then sailing under double-reefed topsails; it was the time, of all others, to make trial—but what they were about he could not tell; they let it slip and never made the trial until the weather became fine, so that it was no trial at all. When the wind was blowing fresh on the shore there was an excellent opportunity for trial in beating off the shore. He regretted the misfortune that had happened of the Admiralty taking three years to come to a decision; but, although it was upwards of three years since the *Queen* went to sea, still she had not been in a gale of wind; it seemed as if there had not been a gale for the last three years. Not having been exposed to bad weather they had not then been able to find out the qualities of these ships, and a change of Ministry might take place, and Sir W. Symonds might again come in, and be as much listened to as he was under the last Administration. All that he wanted was to get at the truth, and that when these ships went to sea on trial, they should be commanded by some seaman who would look for a gale of wind, and would find one, if that

be all, if he went 2,000 miles to get it. And with respect to the Surveyor, he hoped that office would be done away with—they wanted an active and intelligent man like Sir W. Symonds—for no man was more active or intelligent than he—who would be constantly going round from one dockyard to another, observing what went on, so as to save the lavish expenditure which was annually thrown away in these dockyards. In that way they might find him exceedingly useful, as long as he did not lay down lines and build ships: let him examine other men's lines and other men's models, not his own, and he (Captain Rous) was sure that Sir W. Symonds would be benefited if that suggestion were carried into execution. Whether the Motion were acceded to or not, it would be of great benefit and use, because it proved, in the first place, that naval affairs at last had excited the attention of the House of Commons. But he confessed that he alluded to the supporters of the hon. and gallant Officer (Sir C. Napier), on the other side, in preference to his own—there was a kinder feeling towards the Navy on that side than on his own—and he always looked to them as the peculiar friends of the Navy, and who always stuck up for it. He hoped, then, that all things would in future be conducted on a sounder footing. He was sorry if he had said anything that had hurt the feelings of any one, for he always spoke warmly, and never minded what he said; he cared for nothing when he was speaking upon public matters. He had given up the command of the *Pique* because he had spoken the truth at the Admiralty; he had resigned the command because he did not care what happened to him as long as he gave his honest opinion as to that ship; he had done so, and nine years afterwards the facts had corroborated what he had stated over and over again. Any man who pretended to be a sailor, must see that it was impossible to build a proper three-decker without a flat floor and a long bow to meet the sea, and if any one could build them upon straight lines, and with a short bow, he hoped they would be considered not fit to serve Her Majesty in the Navy.

Mr. C. Wood was sorry that the hon. and gallant Officer who had just sat down thought he had any reason to complain of the Board of Admiralty with which he (Mr. C. Wood) had been connected. He

certainly had no right to complain of inattention on the part of that Board to naval affairs. With regard to the Motion, he (Mr. C. Wood) was persuaded that it would be highly inexpedient to institute an inquiry by any other body than the Members of the Executive Department. A Committee of the House of Commons would not even understand the language employed by the witnesses; for what could Members in general know of flat floors, of long or bluff bows, of portsills, and other terms of which the hon. and gallant Officer had been liberal? He admitted, that if a case of great grievance or abuse were made out upon reasonable or probable grounds, it might be the duty of the House to institute an investigation. Such, however, was not the fact. Now, what was it the hon. and gallant Officer moved for? An inquiry into the mode in which ships had been constructed since the year 1835, and whether there was any improvement whatever on the old system. That implied, of course, a censure on the manner in which the ships had been built since that time. He would not go into the question of the Navy Board or the School for Naval Architecture; but he perfectly agreed with the right hon. and gallant Officer, that it was a great service to the country, that the right hon. Baronet (Sir J. Graham) had put an end to that establishment, and he believed that the substitution of the present Board was a great improvement. The hon. and gallant Officer began with the state of the Navy when he first entered it, from the year 1800 to 1830, and there was no one single class of ships, except the 120-gun ships, that he had not condemned. As to the 80-gun ships, the greatest possible benefit was done by their being given up in 1830 by the right hon. Gentleman opposite. As to the 74-gun ships, they were called the "Forty Thieves." The 36-gun frigates were described as totally useless. [Sir C. Napier: That's a mistake. I said the 32's.] Well then, the 32-gun frigates were perfectly useless—the 28-gun frigates were donkeys—[Sir C. Napier: Quite true.] The 16-gun sloops were also useless. [Sir C. Napier: No.] And at last he came to what he called the "patent-coffins"—the 10-gun brigs—and those he utterly condemned; in fact, one and all, from the highest to the lowest, except the three-deckers, came within his condemnation. [Sir C. Napier:

It's quite a mistake.] He took down the words at the time, and every class of ships which the hon. and gallant Officer enumerated, ending with the year 1830, he had condemned, except the 120-gun ships. He condemned a Navy Board in the gross, expressing his satisfaction that it was entirely broken up. Now let them see what the hon. and gallant Officer said of the ships that had been built since the time he had mentioned. Nothing could be fairer than the mode in which the gallant Officer dealt out his censures; his condemnation was indiscriminate, but it did not bear out his Motion. After all, the great object of attack seemed to be the 16-gun brigs constructed by Sir W. Symonds. [The hon. Member read a letter from an Officer in one of the trial squadrons, reporting in favour of the ships built by Sir W. Symonds since 1835.] The hon. Gentleman proceeded to defend the construction of the *Pique*, and went on to state, that when the late Board of Admiralty left office, two ships only were laid down, both of which answered exceedingly well. As to Sir W. Symonds, he would only say that there was a considerable difference between his last ships and those which he had previously built, and he believed him not to be bigoted to any opinion of his own, but that he was always ready to adopt any suggestion calculated to improve the service. He was most ready to bear his testimony to the zeal with which that Officer had executed his duties, and the extreme anxiety which he had always manifested to do that which he thought best for the interest of the Navy. Now, he came to the *Queen*; the hon. and gallant Officer had said, that six vessels were laid down, by order of the late Board, upon the same principle, before the *Queen* was tried; that, however, was not so, for two only were ordered, one of which was built. The *Queen* was built in 1839, and when the late Board went out of office in that year, the *Royal Frederick* was building. So far as the document to which he had referred went, the Report was exceedingly favourable to the *Queen*. The official documents were in favour of that ship, and when the Board of Admiralty ordered four other vessels of the same character to be laid down, he thought they were justified in so doing by the official Reports which they had received. Next, as to the *Albion*: that vessel, perhaps, had not had a fair trial, but the

officers who tried her, as it appeared by their Report, were very confident of the result. The Report said, that she was a very still ship and sailed better than any other in the squadron. The hon. and gallant Officer had read a favourable report of the 110-gun ship, so long as she remained in the Mediterranean, and they had heard a favourable report of the 90-gun ship from the hon. and gallant Officer opposite; and having, in fact, read the most favourable Reports of every class of ships since 1835, and condemned every ship built before that period, the hon. and gallant Officer now called upon the House to condemn the Board of Admiralty for the ships built since 1835. The *Thunderer* was not Sir William Symonds' ship. They had been led to suppose by the hon. and gallant Officer that they were wasting the public money by building ships on Sir William Symonds' principle when they ought to have built them on some other principle. The injustice of such an observation would be understood when he stated that the *Thunderer* cost 72,000*l.*, the *Vanguard* 62,000*l.* and the *Collingwood* 59,000*l.* thus showing a saving of 13,000*l.* on the building of the *Collingwood* as compared to the *Thunderer* by adopting Sir W. Symonds' plan. The *Rodney*, to which the hon. and gallant Officer had referred, had cost 76,000*l.*, instead of 67,000*l.* He really could not understand upon what earthly ground the hon. and gallant Officer could support his Motion. He asked the House to express an opinion, that the public money had been thrown away by the system which had been pursued in building ships within the last few years, whilst he had read Reports from very competent authorities approving of such ships, and it appeared that the cost of building them had been reduced. Now, as to steamers, he did not think it possible that anybody could give a clear and decided opinion upon the effect of steam navigation, and what would be the best mode of constructing and arming steam vessels. He was very glad to find that steamers upon a large scale were to be constructed. What the result would be he would not attempt to predict. He had no doubt but that the experiment of building steamers for the Navy would be carried on with the greatest anxiety to discover the best plan which could be adopted, and that no expense would be spared to make them useful in case of any future war; he, for one, was quite content to

leave this matter in the hands of the present Board of Admiralty.

Admiral *Bowles* wished to observe, in reply to the charge of the hon. and gallant Member for Westminster, that if he did not find a gale of wind it was no fault of his, and that to go in search of one was not the object with which he went out. His duty was to try all ships under his charge, and not to run the risk of damaging them to the extent, perhaps, of several thousand pounds, without any earthly benefit. He could not but express his surprise, at hearing sailors, and especially the hon. and gallant Member for Marylebone, talk as they did of the *Albion*, and argue that, because she had some defects she ought to be tried against a three-decker. He had tried her as much as it was necessary for him to do in order to test her speed and strength, with both of which he was satisfied. It was said that she rolled so much as to excite particular attention to that defect. Now, he did not think she would be found to roll a bit more than other vessels of the same size. It was well known that small vessels rolled more than large ones—that a two-decker would roll more than a three-decker; and he coincided quite with the Officer of that vessel, who visited him on board the *Caledonia* in the Bay of Biscay, that she was steadier than others of her class. As for her not being able to fight her guns, that was a charge which he did not believe, and which he was sure would be found on further experiment not to be true. With respect to the question of naval architecture he agreed with the hon. and gallant Officer that the former system of naval architecture was extremely defective. He would willingly make the hon. and gallant Officer a present of all the old ships, for he was glad to find that improvements had begun, and he looked forward to every year for increased improvements. He thought that Sir W. Symonds was entitled to great credit for not having obstinately adhered to any part of his system when he found that it was objectionable. He thought it was highly creditable to Sir W. Symonds that he was ready to give all due attention to any suggestions made to him; and he was sure that the new ships would be found unobjectionable. There was one other point to which he begged the attention of the House for a moment. He felt that there was a debt of gratitude due to those noblemen and gentlemen who had estab-

lished the Yacht Club, which had attached so many to that truly British amusement of yacht sailing, and exerted an influence upon society to which might be attributed a great many of those improvements in naval architecture so much to be rejoiced at. There were two men in particular whose names were especially entitled to their respect—he meant the late Lord Vernon, who unhappily had not lived to witness the success of these improvements, and the Duke of Portland. Lord Vernon gave his personal guarantee to the Admiralty, before Sir W. Symonds was allowed to build his first ship the *Columbine*, that if it failed he (Lord Vernon) would pay the whole expense, amounting to 10,000*l.* The Duke of Portland actually paid 8,790*l.* for the building of the *Pantaloon*, with no other object than to promote and improve the science of naval architecture. With regard to Sir W. Symonds, his opinion was, that the right hon. Baronet the Secretary of State for the Home Department, never did a greater service to the country than by appointing him to the office which he now filled with so much credit, and from which, notwithstanding the calumnies that might assail him, he would retire, he felt convinced, with the proud satisfaction of having contributed more than any other officer in the British Navy to the improvement of the service. He considered him, therefore justly entitled to the thanks of that House.

Captain *Pechell* said, that the late Secretary of the Admiralty had acted most unfairly towards his hon. and gallant Friend, by endeavouring to put a misconstruction upon the views which he had expressed to the House. If he understood the object of his hon. and gallant Friend, it was this—he complained that the Board of Admiralty had been going on in the construction of vessels, without giving them a sufficient trial; that immediately upon being satisfied with one particular vessel, they, without sufficient experience, laid down half-a-dozen of the same description. If it was attempted to be shown that the present Surveyor of the Navy had involved the country in unnecessary expense, and incumbered the service with improper ships, then he must differ from his hon. Friends, for he was of the contrary opinion, believing as he did, that no person deserved more credit than the present Surveyor of the Navy. He was very happy to find that the gallant Admiral oppo-

site, after experiencing the breezes of the Mediterranean, had taken his seat in that House, and was prepared to give them any information which they might require as to the experimental cruise of the squadron which he had commanded. He was glad when he found the hon. and gallant Admiral had been selected to take the command of such an expedition, because he knew that they should have a faithful account from him; and it was almost to be regretted that it was thought necessary to take one of the Lords in Waiting from his duties to assume the command of one of the ships of the experimental squadron. When they saw the contradictory reports and opinions as to the capabilities of one of those noble ships, the *Queen*, he thought there were strong grounds for inquiry. The public were not satisfied, neither would they be, unless the Committee which the hon. and gallant Member sought for was granted. They had tried an experiment by altering one of the old frigates, with the view of making them more like the modern vessels; and they had then sent her on the Irish station, where she lay in the Shannon for nine months to aid the civil power to keep all quiet during the collection of the Poor Rates. Then, when they came to steam-vessels, it appeared that they had not one in the Navy furnished with the Archimedean screw. They had a vessel named the *Rattler*, which he had called the attention of the Admiralty to, and upon the subject of which he had corresponded with a gentleman who was then the Secretary of the Admiralty, but who had since quitted that department for one where he (Captain Pechell) feared he would not be so useful—he meant the late Member for Wiltshire. The nature of the correspondence which he had had with that gentleman, was as to testing the qualities of the Archimedean screw, and he was assured that it would be done; but two years had since elapsed, and that vessel was not yet at sea. [Sir George Cockburn: She is.] He did not know what the hon. and gallant Gentleman meant by her being at sea, for she was now in Portsmouth harbour, and had only been tried in the Thames. When he was at Portsmouth, and saw the arrival of Her Majesty from France, attended by the squadron of the Prince de Joinville, he observed a vessel amongst them to which the Archimedean screw had been applied,

and she was the admiration of all who saw her—she, in fact, captivated everybody. He did not fail to make a representation to those who were interested in the Board of Admiralty, that he hoped it would not be long, after the experiment had been tested by the French, before they would relieve the steamers now in the service of those monstrous and unsightly incumbrances, the paddle-boxes, which were a nuisance to every vessel that had them; and they had then declared that, if they only had time, it would be their wish to bring the Archimedean screw into notice, and it would not be long before it would be applied to the *Rattler*, and she would be at sea. That was nearly two years ago, and they had not heard of the merits of that vessel since; and were consequently unable to make use of those advantages which they might have been in possession of six years ago. The hon. and gallant Admiral had, he believed a sincere desire to extend competition. Captain Hendry had submitted to him models of an 80-gun ship, and a steamer, exactly on the principle of the hon. and gallant Member for Westminster, being able to carry great weights on a mere flat floor; and he thought the models which he had seen were worthy of the attention of the Admiralty. But what would be the use of all those fine vessels which were in contemplation, and of those which he would admit they now possessed? No one had suffered more than he had (and the hon. and gallant Admiral knew it, for he had served under the gallant Admiral) from being on board vessels that could not sail: he had lost opportunity and lost prize-money. But when they had all these fine vessels, what advantage would it be to this country, if, when an opportunity arose, they should, as in the case which had occurred within the last few months, have only a small sloop to defend their foreign possessions? The station of Tahiti was left in charge of a small vessel of the size of a sloop of war. What was the use of having these large vessels, if the honour and dignity of this country were to be risked by maintaining in the Pacific a vessel which was obliged to remain in a passive state, and render obedience to the larger vessels of a neighbouring Power which were there? The necessity had before been urged of keeping a stout frigate in the China seas and the Pacific. What, then, he repeated, was the use of building such magnificent

ships if when they were wanted they were not forthcoming? That was a melancholy condition, and he verily believed the correspondence which had been laid on the Table a few days ago would never have been required, if they had had one or two stout frigates lying at Tahiti, instead of the miserable vessel which, from unforeseen circumstances, was unfortunately placed there. Whatever might be the result of the hon. and gallant Gentleman's Motion, it would have this advantage, that public attention would be drawn to the state of the Navy. He only hoped, when they were called upon to vote a larger grant for the purposes of the Navy, they would not assent to it, unless they had a guarantee that steam frigates should be properly constructed; that they should no longer call a vessel a steam frigate unless she was capable of having a broadside. She must have a gun-deck, and not merely guns on the upper part. If they called upon them—the representatives of populous districts—to increase the Navy Estimates, their constituents would be very little inclined to part with more of their money and continue the Income Tax for such a purpose as was proposed, unless the contemplated steam frigates were of the character which he had described. He hoped the Board of Admiralty would well consider the subject, and that the steam-vessels which they intended to build would be a great improvement upon those which were now in Her Majesty's service.

Mr. Corry said, that he felt it his duty to oppose the Motion of the hon. and gallant Member for Marylebone, not only because he thought it would be difficult to convince any body of men less qualified than a Committee of the House of Commons to form a just opinion on the subject matter which he proposed to refer to it, but also because he could not consider the adoption of the Motion in any other light than as an indirect vote of censure on the Board of Admiralty, of which they were quite undeserving; for there was no branch of their public duties to which they had devoted more attention than the improvement of ships. When the present Administration entered upon office, they found nineteen ships of the line building, or ordered to be built, the whole upon the lines of the Surveyor of the Navy. If, therefore, they had hesitated to proceed with these ships, they must have abandoned altogether the building of the ships

of the line in course of construction in the dockyards; and how could they have justified such a proceeding? It was true, that at that time, only one of the Surveyor's ships had been at sea—the *Vanguard*; but he held in his hand the highest testimonials as to her capabilities. In July, 1836, the hon. Captain D. P. Bouverie reported that

"On all occasions, her working was admirable, and surpassed our fullest expectations; and I have no doubt that she will prove herself to possess every good quality, and that she is a perfect man-of-war."

Captain Martin of the *Caledonia* said:—

"The *Vanguard* hauled out of the line just like a cutter, and went away to windward of the whole squadron, and was six miles on our weather beam in three hours and a-half."

He was in possession of many other Reports favourable to the qualities of the *Vanguard*, but it was unnecessary that he should occupy the time of the House by reading them, for he believed it was universally admitted that she was a most excellent man-of-war. Shortly after the present Ministry came into office, the *Queen* was commissioned and sent to sea, and instructions were given that her qualities should be tested. She was tried on several occasions, and on the 5th of June 1842, Sir Edward Owen wrote,—

"I have called for the Reports of the qualities of the several ships, and hope to have them for enclosure in this letter. In the mean time, I may say, that so far as my own observations went, no one of the ships, except the *Vanguard*, could compete with Her Majesty's ship the *Queen*, whether in easiness of motion or in sailing. She does not so well answer under low sail, but bears pressing with her canvass, and answers to it by her power. I have no difficulty in pronouncing the *Queen* a ship superior to all three-deckers, and to most of those with two decks."

Captain Rich, of the *Calcutta*, also wrote on the 6th of June, 1842:—

"With respect to the comparison between this ship and the *Queen*, there can be no doubt in my opinion as to the superiority of the latter in every point, namely, in sailing, working, stability, and weatherly qualities."

This opinion, he considered the more valuable as being given by the commander of a vessel which was placed in competition with the *Queen*; and the House was well aware of the pride which naval officers generally felt in the qualities of their own ships. He had in his possession

various other Reports in which equally favourable opinions were expressed of the *Queen*. And on the other hand, the Admiralty had no Reports which would have justified them in suspending the building of the other vessels which were then in course of construction by the Surveyor. Subsequently, however, when a squadron was sent out commanded by his hon. and gallant Friend behind him, and when the result of the cruise was to raise doubts as to the qualities of the *Queen*, the Admiralty did not wait to be reminded of their duty, either by the gallant Commodore, or by a Committee of this House, but they at once ordered the construction of ships of the *Queen* class and of the *Albion* class to be suspended, until their qualities should be further tested; and he hoped that, in the ensuing spring, ample opportunity would be afforded for ascertaining the powers and qualities of those ships. When, however, so much had been said about the ships built by the Surveyor of the Navy, it should be recollected that the Admiralty did not confine themselves to ships built by that Officer. The Admiralty had ordered sixty-eight ships to be built during the course of the three years they had been in office—of these twenty-nine were to be constructed by the Surveyor of the Navy, and thirty-nine by other naval architects. Of these four were ships-of-the-line, not by the Surveyor of the Navy; six frigates, namely, five of 50, and one of 36 guns, not by the Surveyor of the Navy; six smaller vessels not by the Surveyor of the Navy; and no less than twenty-three steam-ships, not by the Surveyor of the Navy; it was obvious, therefore, that the Admiralty had shown every disposition to give trials to ships by other builders. Among other vessels which were constructed not by the Surveyor of the Navy, were four of the brigs composing the late experimental squadron, which afforded satisfactory proof that the experiments they had made were not ill-considered, and answered one of the questions which the gallant Commodore proposed to refer to a Committee—namely, whether ships of modern, were an improvement on those of old construction—for the whole of the new brigs proved themselves on that occasion to be decidedly superior on all points of sailing to the *Cruiser*, one of the best of the class which the gallant Commodore stated in his speech to be almost the only good class of vessels ever built by the Navy Board. But our steam vessels were the especial object of the censure of the

gallant Commodore, who had stated that there was not one steam vessel in the service which deserved the character of a man-of-war. It might be very presumptuous in him to differ on such a subject from the gallant Commodore; but he must observe that the opinion of naval men with respect to it were by no means unanimous, and there was no subject on which a greater difference of opinion existed than among naval men with respect to naval architecture. To illustrate this he would contrast the opinion entertained of our steamers by a French Admiral with that of the gallant Commodore. The illustrious Admiral to whom he alluded was the author of a paper which appeared last year, in which the following passage occurred:—

“When the *Gorgon* and *Cyclops* sailed from the ports of England, we were struck with their force as ships of war, as well as with their admirable qualities as sea boats; and we therefore evinced a laudable anxiety to procure designs and other data required for the reinforcement of our navy with vessels of a similar description. The attempt proved a complete failure, and there are not now in the whole French navy six steam-vessels that can be compared with those in the English navy. To form a notion of the actual force of this steam navy (the English), it is necessary to have observed how formidable is its armament, and with what care and skilful foresight everything has been studied. The English war-steamers have not been built and warranted good for all descriptions of service indiscriminately. In building them there has been but one thought, one object—war. They unite great speed and a powerful armament, with vast accommodation for troops.”

He did not for a moment mean to say that our steam vessels were perfect, but great improvements had been made in their construction within the last few years, and almost every steamer that was launched was an improvement on the one which preceded her. The gallant Officer, the Member for Brighton, had found fault with the Admiralty for having kept the *Rattler* for two years at Woolwich. Now this had been done advisedly, for the purpose of carrying on a series of experiments as to the adaptation of the screw to steam vessels. If these experiments, the result of which had been to increase the speed of the *Rattler* from about $7\frac{1}{2}$ to nearly 10 knots an hour, had not been carried on to the extent to which they had, he doubted very much whether they would have succeeded in making the screw generally applicable; whereas it was now determined

to apply it to the whole of the steam vessels ordered to be built in the ensuing financial year. Therefore, so far from the Admiralty deserving censure for keeping the *Rattler* at Woolwich, they were entitled to praise for carrying on these experiments on board that vessel. As for the complaint of another gallant Officer with reference to the *Daring*, it was true that that vessel was in a leaky state; but he felt it due to the officers of Portsmouth yard, where that vessel was built, to state that the Admiralty had no reason for suspecting that timber of inferior quality had intentionally been used in her construction. He would not take up more of the time of the House than to observe, that the construction of ships of war might safely be left in the hands of those who were responsible for the administration of the affairs of the Navy, and who were far better qualified to discuss the subject than any Committee that could be selected.

Captain *Harris* said, that the difference of opinion on the subject of naval architecture was not confined to naval men, but seemed also to have extended to the editors of newspapers. He thought that the gallant Admiral could not do better than enable those editors to form their opinions of the respective merits of those vessels by providing them with berths in the next experimental squadron. The editor of the *Times* might be accommodated on board the *Daring*. The editor of the *Morning Chronicle* might be provided with a berth on board the *Mutine*, and he dared say that the editor of *Punch* would find himself quite at home on board of the *Pantaloön*. With respect to the Motion of the gallant Commodore, he did not think that he would attain his object in the way he proposed. But looking to the state of naval architecture, and to the improvements in steam navigation, he thought that great advantage would be derived from the appointment of a Commission, to consist of scientific men—good mechanics—good engineers, and good naval architects—to investigate the whole subject. Let the Surveyor of the Navy be on that board, and let them receive communications from all parts of the world as to all well-sustained improvements; and he thought that great advantage would be derived from a Commission of that kind. Everything appeared to him to be given up to sailing. Even proper stowage of the boats was sacrificed, and he was convinced that many valuable lives had been lost for want of quarter boats in the new flush

ships; indeed, he saw an instance of the kind on board the *Columbine*, when he had the honour of sailing, under Sir Thomas Hardy; a man fell overboard and was drowned, who might have been saved, had that sloop been fitted with quarter boats. The poop also, was sacrificed, which was a most important part of the vessel; and he remembered sailing round Cape Horn during the equinox in a sloop of war, which would not have weathered the tremendous sea she encountered, or have been able to scud with safety, had it not been for the protection which the poop afforded her. With respect to the Surveyor's frigates, though he did not complain of their building lines, he was reminded of one most material fault, that of not proportioning the quantity of metal to the timbers of which the ship was built. First, the 36-gun frigate, which was the Surveyor's crack class. In the event of a war with a great naval power, after the first brush and general action, we should expect to compel our enemy to keep his own shores, and the larger vessels would be chiefly occupied in blockading, but not so the frigates, the true chivalry of the seas, who would be roaming on the ocean for the protection of British commerce, and on whom chiefly would fall the task of maintaining the honour of the British flag. It was most important, therefore, that these vessels should be fitted up in the most efficient manner for the hour of actual conflict. Now compare the *Pique* with the *Winchester*. The *Pique*, of the new class, was 1,636 tons burden, carrying thirty-six guns, 32-pounders. The *Winchester* 1,487 tons, with fifty-two guns, not of the same weight, but throwing the same shot. Now every hon. Gentleman who would refer to our naval history, would perceive that after our frigates once got alongside their enemy, the battle seldom lasted an hour; and for so short a time the fifty-two guns of the *Winchester* would tell more effectively on her opponent than the thirty-six guns of the *Pique*. The same observation applies to the modern twenty-six-gun class of frigates. Take the *Carysfort*, with twenty-six guns, 32-pounders. Her tonnage was 911, whereas the *Belvidera*, of forty-two guns, one of the old class, was but 946 tons, being only thirty-five tons difference but having sixteen more guns. This alteration first took place in consequence of the class of vessels we were called on to compete with during the American war, and he admitted that some

alteration was necessary, but he did not think it ought to be carried to the present extreme. He believed one of the Lords of Admiralty had expressed himself favourable to the adoption of the screw in steam-vessels, but he was also of opinion that the greater space now given in the orlop deck, in consequence of the adoption of chain cables, would enable them to apply the screw with great advantage to line-of-battle ships, as they would now have ample room for the machinery; and, though he did not expect a greater propelling power than four or five knots an hour, yet that would be of the greatest value, as all who were acquainted with the details of the battle of Trafalgar would readily admit. Doubtless it might be said, if we adopted the plan, the French and other Powers would adopt it also. All would then depend on the skill and nerve of the officers in command, and he hoped the British officers would do their duty. He would not sit down without expressing his great satisfaction at the efforts which the Admiralty had for some time past been making to increase the naval force of this country, and particularly our steam power. The hon. and gallant Member concluded, by paying a high compliment to the late Secretary of the Admiralty, and by expressing his confidence that his successor would follow in his footsteps.

Mr. Wakley said, that hon. Members on both sides of the House had expressed their gratitude to his hon. and gallant Friend for bringing forward this Motion, which entitled him to the gratitude of that House and of the country. He was quite certain that the labours of the hon. and gallant Commodore on that, as well as on other occasions, had eminently entitled him to the gratitude of the country, which, beyond a doubt, he would carry with him. The country would be deeply grateful to his hon. and gallant Friend for bringing forward this subject. True, it was not the first time that it had been before that House; but the discussions had formerly been conducted in such a manner that no good had resulted from them, and out of doors it was thought that, however they might fight when they were in earnest, in that House all was "sham fighting." It was time now that a subject of this magnitude should be taken up seriously; it was one on which the public felt the greatest interest, for the naval service was the loved, the favourite, the honoured service of this country, and no sum of money

could be voted in that House to which the public would object, provided that it were to maintain that service. In it they beheld the bulwark of their country, and they had ever been anxious to support it in a manner commensurate with the great interests involved. The gallant Commodore in the course of his speech had condemned a great many ships in his own peculiar and most forcible manner. In his opinion, one ship had received a great many shots in her hull,—he meant that old ship "The Admiralty," and he did not think that she would readily recover the damage which she had received unless those who manned her would take upon themselves to inquire how it was that so much money had been wasted in the dockyards of this country in the building of ships that were absolutely unfit for service. He had listened with the greatest surprise to the charge (and he should never forget it) which the hon. and gallant Member for Westminster (Captain Rous) had brought against the dockyards. The hon. and gallant Captain said, that he believed ships had been built in those dockyards which had cost one-tenth, ay, even one-eighth of the national debt, and which had never gone and were never fit to go to sea. That was the declaration of the hon. and gallant Captain, who had obtained for himself great renown in the naval service, and whose name was respected wherever it was known. That hon. and gallant Officer always spoke his mind freely in that House, and every one had the advantage of understanding what he meant when he did address the House. With regard to the Committee for which his hon. and gallant Friend the Member for Marylebone had moved, he thought that the appointment of such a Committee would not be suitable to the emergency that existed; for he did not believe, if a Committee were appointed, that it would be possible for it to arrive at any practical result. Unless they selected Naval Officers, whom could they get to understand the subject under investigation? If they had Naval Officers, most likely they would be jealous of one another, and in all probability there would be such serious conflicts, and such firing of broadsides from one side of the Table to the other, as were never known in that House before. But then the hon. and gallant Member for Westminster had told them that as for the Lords of the Admiralty, why they scarcely knew one ship from another; and he said it in such a manner as to indicate to him (Mr. Wakley) that there were some of

them who scarcely knew a three-decker from a Newcastle collier. If that were the position of the Lords of the Admiralty, he really did not think that promiscuous Members of that House were likely to be in a much more enlightened state with regard to naval architecture, or naval capabilities and resources. He really did think, therefore, that the appointment of a Committee would be useless. But was there to be no inquiry? The right hon. Gentleman opposite who had addressed the House (Captain Corry), and who had lately been promoted from being a Lord of the Admiralty to be Secretary—by the bye he (Mr. Wakley) did not understand such promotion as that from a Lord to a Secretary,—but the right hon. Gentleman said, “Oh, leave it to us; leave it to us; we’ll make it all right.” But he thought that they had left it to them too long, and leaving it to them had resulted in all the mischiefs and evils that had been complained of. The hon. Member for Halifax (Mr. C. Wood) said, “Leave it to the Admiralty,” too; but the hon. Member—why he had been Secretary to the Admiralty, and Secretaries made a point of helping one another. They said, “You help us when we’re attacked, and, as your time must some day come, we’ll help you then.” Not in so many words, perhaps; but there was an implied engagement, perfectly well understood between the interested parties, ex-Secretary on one side, and Secretary on the other side. The question, however, was of too much importance to be got rid of in that way; for he felt confident after the statements of Officers in that House of so much renown, whose names were identified with the honour and glory of their country, and who had declared that their ships were built in such an outrageously bad manner as to be a disgrace to the nation—after those statements from such gallant and distinguished men, he did say that the people of England would require at their hands a complete and searching investigation. Then, if that investigation were not to be made by a Committee, how was it to be made? Would Government consent to a Commission? No; all was to be left to the Admiralty. A gallant Officer had alluded to the experiments that had been made by Sir W. Symonds: but he had omitted to say that the ships that went out on those trials had not their full complement of stores and provisions, and, consequently, that they did not draw so much water as if they had been on actual service,

when they would require full complements both of men and stores: those experiments, then, it must be evident to every one, could not be regarded as fair. The right hon. and gallant Officer, the Member for Ripon (Sir G. Cockburn), a Lord of the Admiralty, had addressed the House at some length with regard to war steamers; and he confessed that he had never heard before that they were to go to such enormous expenses in building steamers that they might carry four guns, two at the bows, and two at the stern; was that really the case? Because, if they were to carry no more guns than four, of what earthly utility could they be, if they encountered a squadron of steamers with broadsides? A quotation had been made from the pamphlet of a foreign Admiral, to prove that our Steam Navy was in an effective and powerful condition; but did the right hon. Gentleman who read that extract know that the object of that foreign Admiral being to create a great steam power in his own country, it was his policy to overrate as much as possible the force of a country with which it was possible, in the case of war, his own country might have to contend. The foreign Prince looked through the wrong end of the telescope in order to make our power appear to his country even as small as possible. He meant that he looked through the right side of the telescope to make our power appear as small as possible. [*Cries of “Large, large. No; small—small.”*] Really, they were very merry; but they were mistaken, and he was correct. The Prince for his own sake wished to ascertain our real dimensions, but he got his countrymen to view us through the telescope, in order that our power might appear to them as small as possible. [*Renewed Laughter.*] Really, after all, they were right. He was wrong; he meant as large as possible. It was, therefore, vain to rely on such testimony; it was our duty to see that our Navy was put into the most perfect and efficient state, and to put a stop to those monstrous practices, and the recurrence of those monstrous evils which had been so forcibly described. He admitted that we were now on the road to improvement, but we moved far too slowly in it; and he agreed with his hon. Friend the Member for Montrose, that, whilst all other countries were eagerly availing themselves of the aid of science, we neglected it far too much, and that the re-establishment of the School of Naval Architecture in this country was most de-

sirable. The Navy was evidently not in the condition in which it ought to be, considering the situation of this country. A searching inquiry was requisite, and whilst he asked his hon. Friend to withdraw his Motion for a Committee, he would recommend him to move an Address to Her Majesty, that a Commission might be appointed by the Crown to conduct such an inquiry; and for the proper construction of such a Commission and due fulfilment of its duties, the Executive Government would be responsible.

Sir Charles Napier had repeatedly heard of such and such persons being described as good debaters, but he had never heard a good debater who had indulged in perverting language. The hon. Member for Halifax had done so with regard to him. The hon. Member had said, that he had taken down his words. The hon. Member had asserted, that he (Sir C. Napier) had condemned all the ships built by the present Surveyor of the Navy, except the last class of three-deckers and the 18-gun brigs. Now he distinctly denied that he had said anything of the kind. He had said that all the three-deckers—and he excluded the 98's—were good. That all the 74's were good, except the "Forty Thieves." He had said that the 50's, or two-deckers, were useless, and that the 32 and the 28-gun frigates were good for nothing. He also said, that the 28-gun donkeys were good for nothing, and that the 10-gun brigs were good for nothing. He was astonished that the hon. Member for Halifax should presume to put words into his mouth which he declared upon his honour he did not use. The hon. Gentleman stated, that he had praised the 16-gun brigs, and the 56-gun frigates, the *Vanguard* and the *Vernon*; but did he suppose that he (Commodore Napier) was not capable of giving Sir W. Symonds praise for the good which he had effected, because he had found fault with other matters. It never was his intention not to accord the fullest praise to that Gentleman whenever he thought him entitled to it. The hon. Gentleman had read a letter which he had received from the master of the *Vanguard*, stating that it was quite absurd to suppose that he had struck down two guns in order that Jack might have a ball-room in the gallery. It was quite impossible that any naval man could do anything of the kind; and the hon. Gentleman should have

known that before he had thought it necessary to make such a communication. The hon. Gentleman next said, that when he (Commodore Napier) had spoken of the expense of the *Rodney*, he had perverted the amount by transposing 67,000*l.* into 76,000*l.* He wished the hon. Gentleman would, whenever he brought such charges against him, be more accurate in stating what he did say. He had still the notes before him from which he had stated the amount, and he found in it the expense of the *Rodney* put down at 76,448*l.* The right hon. and gallant Admiral at the head of the Admiralty had also misunderstood him. The gallant Admiral stated that he had supposed that the vessels called the "Forty Thieves" were in good condition, and that he had blamed the Admiralty for cutting them down. So far from having done so, he was only attaching blame to those who had left them so long in their original state. The right hon. and gallant Admiral was perfectly right in cutting them down, as he had, by doing so, succeeded in making very good frigates of them. He had certainly found fault with the *Queen* and the *Albion*, and on this subject he should repeat that he considered the trial that had taken place of the *Queen* was no trial. In the return there was not a favourable thing of her said. The gallant Admiral said these matters were open to competition; but if they were, where, he asked, was there an instance of it? Suppose that any one individual had the manufacture of all the silk used in the kingdom, and that another individual had the manufacture of all the cotton in the country, would any one tell him that these manufactures would, under such circumstances, have ever arrived at the perfection to which they were now brought? In the same manner, if the Navy Department had been open to general competition for a number of years past, he was convinced that hundreds of thousands of pounds would have been saved to the country. From the nature of the Board it was impossible but that some neglect or mismanagement should take place. The gallant Admiral himself could not possibly attend to all the duties that devolved upon him. He had enough to do before the labour of the Navy Board attached to him, and he had now also got the steam department to attend to. So that, in fact, if he could cut himself into pieces it would be impossible for him to have a part every-

where where he was required. There was one other subject on which he wished to offer a few remarks. He alluded to the *Queen's Yacht*. He believed it was now generally known that that steamer would not steer within eight points of what should be her proper course, and yet her machinery cost a sum of 40,000*l.*, according to the account furnished by the Admiralty. It was well known that that *Yacht*, at the time Her Majesty embarked in her, was perfectly and completely unsafe. She could not be relied on to go within eight points of her course, according to the statement of her own captain. They were also, he was informed, unable to go more than six knots an hour during the night, because her crew could not be accountable for her machinery. He was not quite certain as to the precise distance, but he thought it was six or eight knots an hour, and he believed it was the former number.

Sir *George Cockburn* said, it was considered by the Admiralty wrong for any vessels to proceed quicker than eight knots an hour during the night while navigating the North Sea, as it was generally covered with colliers, and they had accordingly issued orders to that effect.

Sir *Charles Napier* continued to say, that the same operation which had been performed on the *Queen* ought also to have been tried on the Royal *Yacht*, in order to endeavour to increase her speed. He also hoped that Her Majesty would not again venture on board her yacht, until it was first ascertained that she would answer her helm. He also wished to explain, that he had never said steamers ought to be made for going as fast as they possibly could. On the contrary, he stated that he thought they should be well armed, and that speed should not be their only qualification. If a man-of-war came up to an enemy, and found that she was not able to fight her, then it was her duty to get away as fast as she could, and, therefore, speed was most desirable, but it was not, he repeated, the only point to be considered. No attempt had been made to show that all that he had stated about steam-vessels was not the fact, and the Admiralty knew, as well as he did, in their hearts that some of the steam-vessels in the Navy were not worth anything. The *Prince de Joinville* wished to do in Faance precisely what he (*Commodore Napier*) had for the last twenty years been endeavouring to have effected

in this country, namely, to give a good steam navy to the empire, and he trusted they would come to that most desirable result at last. He believed he had nothing further to add in the way of reply. The gallant Admiral opposite seemed to think that he (*Commodore Napier*) had been rather too severe upon him; but he could assure him that nothing could be further from his intention than doing so. He knew that it was by no means an agreeable recreation to be at sea in the month of November; but when the Government took the trouble of sending out three three-deckers and a ninety-gun ship, they ought to have endeavoured to stay out for some time longer than they did, in order to be better able to judge of the merits of the vessels. If the gallant Admiral had kept the squadron out a little longer, he might perhaps be able to convince his colleagues that the *Albion* was a good ship, and thus the work which had been put a stop to might have been allowed to go on for some time longer. It seemed to be the wish of some hon. Gentlemen near him, that he should not occupy the House longer with that Motion. Many of them wished him not to divide upon it, and though he should be happy to yield to whatever he saw was the feeling of the House, still he felt satisfied that it was not likely that any decisive step would be taken by the Admiralty. No public Board wished to show forth its own weakness, and from a significant shake of the head which he saw given by the right hon. Gentleman opposite, he believed it was not likely that a different course would be taken in the present instance.

Mr. *C. Wood* begged to explain that he did not wish to pervert the meaning of what any hon. Member said, or to find fault with any particular class of vessels. It was quite consistent with the argument he had used that these vessels alluded to should have a good character.

The House divided.—Ayes 22; Noes 93: Majority 61.

List of the AYES.

Aglionby, H. A.	Gisborne, T.
Aldam, W.	Gore, hon. R.
Barnard, E. G.	Granger, T. C.
Blewitt, R. J.	Layard, Capt.
Brotherton, J.	Mangles, R. D.
Collett, J.	Mitcalfe, H.
Duncan, G.	Mitchell, T. A.
Forster, M.	Morris, D.
Gibson, T. M.	Morison, Gen.

Pechell, Capt.	Walker, R.
Plumridge, Capt.	Wallace, R.
Ross, D. R.	Wawn, J. T.
Rous, hon. Capt.	Williams, W.
Scott, R.	Yorke, H. R.
Stansfield, W. R. C.	
Thornely, T.	TELLERS.
Trelawny, J. S.	Napier, Sir C.
Wakley, T.	Hume, J.

List of the NOES.

Archdall, Capt. M.	Hayes, Sir E.
Baillie, Col.	Heathcote, G. J.
Baring, hon. W. B.	Hinde, J. H.
Barrington, Visct.	Hodgson, R.
Bateson, T.	Hope, hon. C.
Bentinck, Lord G.	Hope, G. W.
Blackstone, W. S.	Jermyn, Earl
Boldero, H. G.	Jones, Capt.
Borthwick, P.	Langston, J. H.
Botfield, B.	Leslie, C. P.
Bowles, Adm.	Liddell, hon. H. T.
Boyd, J.	Lincoln, Earl of
Bruce, Lord E.	Lockhart, W.
Buckley, E.	Lowther, hon. Col.
Busfield, W.	Lygon, hon. Gen.
Cardwell, E.	McGeachy, F. A.
Christie, W. D.	Mackenzie, W. F.
Clerk, rt. hn. Sir G.	Manners, Lord J.
Clifton, J. T.	Masterman, J.
Clive, Visct.	Newdegate, C. N.
Clive, hon. R. H.	O'Brien, A. S.
Cockburn, rt. hn. Sir G.	Packe, C. W.
Connolly, Col.	Patten, J. W.
Copeland, Mr. Ald.	Peel, J.
Corry, rt. hon. H.	Pennant, hon. Col.
Cripps, W.	Praed, W. T.
Dalmeny, Lord	Pringle, A.
Darby, G.	Repton, G. W. J.
Denison, J. E.	Rushbrooke, Col.
Denison, E. B.	Shaw, rt. hn. F.
Dickinson, F. H.	Smith, rt. hn. T. B. C.
Douglas, Sir H.	Somerset, Lord G.
Drummond, H. H.	Somes, J.
Eastnor, Visct.	Spooner, R.
Egerton, W. T.	Stewart, J.
Entwistle, W.	Stuart, H.
Escott, B.	Sutton, hon. H. M.
Ferguson, Sir R. A.	Tennent, J. E.
Fremantle, rt. hn. Sir T.	Thesiger, Sir F.
Godson, R.	Tollemache, J.
Gordon, hon. Capt.	Trench, Sir F. W.
Graham, rt. hn. Sir J.	Troubridge, Sir E. T.
Greene, T.	Wodehouse, E.
Grimsditch, T.	Wood, C.
Hale, R. B.	Wortley, hn. J. S.
Halford, Sir H.	TELLERS.
Harris, hon. Capt.	Lennox, Lord A.
Hawes, B.	Young, J.

COMMISSIONERS OF GREENWICH HOSPITAL.] Mr. C. Hope moved for leave to bring in a Bill for enabling the Commissioners of Greenwich Hospital to grant leases of coal and minerals for forty-two years, and for making a railway or tram-

road from Greenwich Colliery to Berwick Bridge. The hon. and learned Gentleman was understood to say that the latter portion of his Notice only, was that with which he intended to persevere, and that though some objection had been threatened to the Bill, he did not think the present a time when it should be entered into.

Mr. Hume wished to know, if there was any exception in railway matters in favour of public bodies, or whether the rule applicable to Private Bills did not include cases such as the present. He could not understand under what Rules of the House the present Motion was brought forward.

The *Speaker* said, he considered the proper course to take in the present instance was to apply for leave to bring in the Bill. The Bill was brought in for the improvement of private property, and must necessarily, under the peculiar circumstances, be applied for by Motion, and not by Petition. After the Bill was, however, brought in, and read a first time, it would in all future stages be treated as any other Private Bills.

Mr. Hume repeated, that he could not see why a distinction should be made.

Mr. Hodgson Hinde did not intend to offer any opposition to one part of the Motion of which the hon. Gentleman had given notice, but, if he understood the right hon. Gentleman rightly, he only intended to press that part of his Motion which referred to the construction of a railway, and to that he entertained the most serious objection. He was perfectly confident that if the Government, or if the hon. Gentleman himself was aware of the real nature of the Bill for which he applied, and of the evils which it was calculated to inflict, it would not be persevered in. He laid a statement before the Board of Trade on the subject; and he trusted the hon. Gentleman, the Secretary of that body, would pay attention to what he now had to observe. It was well known in that House, that the Commissioners of Greenwich Hospital were possessed of considerable property in mines and other estates. On one of these estates in the North of England, an extensive coal field had been let, a number of years ago, to some individuals who had worked the collieries without, he believed, much remuneration to themselves. They now thought that if they could obtain a Bill permitting them to make a railroad between their coal

fields and Berwick Harbour they could obtain a better and more convenient harbour for their coals, and then, that which was now a losing speculation, would turn out to be profitable. He had no objection to see those individuals similarly circumstanced as other adventurers who embarked in the working of mines, and he admitted that they had a right to endeavour to obtain access to the best shipping places; but he did say they were not entitled to any favour or privileges that other private individuals would not be shown. The hon. Gentleman by whom the Motion was brought forward was, he should be permitted to say, entirely misinformed, when he stated that the opposition to the Bill would be trifling. As far as he could ascertain, every landowner along the line would oppose it. The Corporation of Berwick, who were the lords of the manor along the line by which it was intended to pass, and the Harbour Commissioners of the same town, were both opposed to the Bill. It was quite true that it was intended to remove a lane to a better position behind some houses in the town, but that was not to be done under the authority of that Bill, but would be effected by virtue of an arrangement with the owners of the property. The compulsory power sought by that Bill would enable the Commissioners of Greenwich Hospital to lay that railway for a considerable distance along by a public road, and he thought much inconvenience would arise from such a power being vested in them. He was perfectly certain the Government would not, when they learned the particular circumstances of the case, press the Bill on the House.

Mr. *Forster* expressed his entire concurrence in the observations that had fallen from the hon. Gentleman who had last addressed the House. He was quite sure if the Bill had been investigated previously it would never have been introduced. He would wish to know whether, if referred to a Committee, the Bill would come under the investigation of the General Committee, or under a distinct Committee.

The *Speaker* said after the Bill should be read a first time, it should be referred to the Committee on Private Bills. If all the Standing Orders were complied with, the Bill would then be proceeded with in the same manner as any other private Bill, and it should afterwards pass through

a Committee of the whole House, so that it would be perceived no specific advantage whatever was given to it in allowing the present Motion.

Mr. *Forster* was perfectly satisfied that after the House had investigated the matter they would find that all the observations made by his hon. Friend opposite (Mr. *Hinde*) were perfectly correct. He could not understand why a public body, like the Commissioners of Greenwich Hospital, should interfere to force a compulsory railway through private property. He would feel it to be his duty to oppose the second reading of the Bill, unless, indeed, he heard much stronger reasons advanced in favour of it than any which had been given to them that night.

Mr. *Hodgson* said he would much prefer seeing the Bill withdrawn at once, as he had no doubt it would be thrown out on the second reading. Two public bodies had been in communication with him on the subject—namely, the Corporation of Berwick and the Harbour Commissioners of the same town, and both expressed themselves decidedly opposed to the Bill.

Mr. *Brotherton* said, the opposition to the Bill appeared to him to be the most extraordinary he had ever witnessed. In fact, the nature of the opposition convinced him that the Bill ought to be introduced, as one of the arguments against it was, that certain large coal fields had been worked for a considerable time at a loss, and that the proposed railway would, if completed, enable the parties to bring their coals to a better market.

Mr. *Collett* complained that the original Notice of Motion was for a Bill to enable the lessees to make a railroad; it was now proposed that the Commissioners of Greenwich Hospital should make it. He should like to know which was really intended.

Mr. *C. Hope* replied. He said he did not state that there would be no opposition to the Bill; but that there would be no material opposition to it up to a certain time. During last year, when it was intended to bring the Bill forward, the Town Council of Berwick did not express any intention of opposing it.

Leave given.

EMIGRATION — DR. ROLPH.] Mr. *Thornely* moved for a copy of the correspondence between Dr. Rolph and the Co-

lonial Secretary, and between the Colonial Secretary and the Governor of Trinidad, relative to the appointment and remuneration of Dr. Rolph, in 1843, as the agent of the Government of Trinidad, for the removal of the coloured population of Canada to that Colony.

Mr. C. Hope had no particular objection to the production of the correspondence, but wished to put the House in possession of the general facts of the case. In the year 1843, Dr. Rolph, who was then in England, on business relating to the North American Association, with which the Doctor was connected, and which had since become bankrupt, was engaged by the Governor of Trinidad, at a salary of 200*l.* a year, as emigration agent in Canada for Trinidad. Dr. Rolph, then in England on his own business, was expected to return soon to Canada, but did not do so till a considerable time had elapsed. But, in the meantime, an intimation was given that the appointment was not allowed, whereon the Doctor made a claim for heavy travelling expenses, &c., and for the full year's salary of 200*l.* though the Governor, who engaged him, stated that he was never employed to go to Canada expressly for business connected with Trinidad, but that it was all along understood that he was about proceeding to Canada immediately on his own business. The Doctor, who did not go there for six months after, and who had never procured a single emigrant for Trinidad, then made this heavy claim. It was thought he was entitled to something, and the sum of 100*l.* was awarded to him. The correspondence was nearly all in his own hands; he could print it if he chose, and the question for the House was, whether under these circumstances, they would put the public to the expense of printing it. The sum offered the Doctor, but with which he was not content, was 100*l.*

Motion agreed to.

RAILWAY COMPANIES CLAUSES CONSOLIDATION BILL.] Lord G. Somerset moved the Order of the day for a Committee on the Companies Clauses Consolidation Bill.

Mr. Aglionby hoped the noble Lord would not press the Committee to-night. There were several Clauses requiring explanation, and which could not be satisfactorily disposed of so hastily. Many

hon. Members were absent who took much interest in the subject of these Bills.

Lord G. Somerset said, the hon. Members had had sufficient notice, as he had on the previous night explained the course he meant to take. It was most important that these measures should pass speedily, or they could not be carried at all during the present Session. He trusted, therefore, that the hon. Member would consent to their passing this evening through Committee, and when the Report was brought up on Wednesday next, he (Lord G. Somerset) would be happy to give every opportunity for explanation and amendment. The Clauses embraced no new principles. They were nearly all Clauses taken from other Bills, some of them modified and simplified, and the only thing new in the Bill immediately before them was the Arbitration Clause, which allowed parties, in cases up to a certain quantity of land, to decide by Arbitration instead of going before a Jury. The noble Lord concluded by reiterating his disposition, by private communication or otherwise, to do everything in his power to meet the views of the hon. Member for Cockermonth, but he hoped the hon. Gentleman would consent to go into Committee to-night.

Mr. Aglionby said, one of his objections to these Bills was that the railway companies were not compelled to adopt these Bills, but they had power to adopt one or other, or parts of all, without taking any one complete. He also objected to each of the Bills referring to Clauses contained in the other Bills, and thought that, even at the risk of repetition, each Bill ought to be made complete in itself, by containing all the Clauses which it enacted.

Lord G. Somerset said, the first point referred to by the hon. Member had already engaged his attention, and he should endeavour to embody the suggestion in the Bills.

Mr. Aglionby thought the whole Bills should be referred to a Select Committee upstairs, consisting chiefly of Gentlemen of the legal profession. If that were done, he was sure many of the Clauses would be considerably modified; as an example, he might instance the 41st Clause in the second Bill, which required that where a railway crosses a public footpath a convenient ascent and descent should be founded by the railway company for the accommodation of the public in crossing the railroad by this footpath. He was aware that this

Clause was not a new one; and he would tell the House how it worked. In one case with which he was acquainted, the railway crossed a public footpath in a level field. The railway was some twenty feet above the level; and the convenient ascent and descent provided by the company was a ladder at one end for the public to go up, another at the other end for them to go down. He merely gave that as an illustration of his objection to the way in which the Clauses were worked. When the proper time came, he should certainly endeavour to have some Clause more stringent introduced for the benefit of the public.

House in Committee.

On the present Clause,

Mr. *Hawes* wished to know how it was proposed that these Acts were to be made to apply to Private Bills—whether they were to be rendered compulsory or not?

Lord *G. Somerset* said, that question had not escaped his attention. His own opinion was that it should be compulsory on railway companies to adopt them as model Bills. But this was considered by others to be too hazardous an experiment at first; and, therefore, what he proposed to do was, that the Bills should be formed, and then that by a Standing Order of the House, the Committees on Private Bills should report to the House whether these Bills had been incorporated by the companies or not.

Mr. *Hawes* could not conceive a course more liable to objection than this. If the Government really had confidence in their own Bills, they ought to render them compulsory; but the course which was proposed to be taken showed that the noble Lord had no confidence in the measures he was himself recommending.

Lord *G. Somerset* had every confidence in the general outline of the Bills, as he had no doubt that if they were once passed by the House, ninety-nine out of every hundred Railway Companies would be but too happy to incorporate these Clauses into their Bills. But if it should be the opinion of the House that these Bills ought to be made compulsory, he should not be very sorry; though, for the reasons he had given, he did not think proper to recommend it in the present instance.

Mr. *Wakley* thought that these Bills ought to be referred to the consideration of a Select Committee up stairs. Consi-

dering the object these Bills were intended to fulfil, was it possible they could be satisfactorily carried through the House without being subjected to the consideration of a Committee? Ought not these Bills, which were intended to save the public expense, and to save a very considerable portion of the time of the House, to be made perfect as model Bills, and ought they not afterwards to be made compulsory? He was sure the gentlemen of the learned profession would not object to serve on such a Committee as that proposed, and he would undertake to serve on it himself, for he was of opinion that the speeches of the learned gentlemen would be compressed within a reasonable length.

Lord *G. Somerset* said, if the Bills were sent to a Select Committee, it was clear they would be of no use during the present Session. It was, therefore, for the House to determine whether they would take the Bills, with such emendations as might be suggested in the House, without sending them to a Committee up stairs, or whether they would give them up for the present Session. It appeared to him that there was something like a contradiction in the opinions of the gentlemen opposite; one Member contending that the Bills ought to be made compulsory, and another arguing that the Clauses were so imperfect that they ought not to be passed at all.

Mr. *Jervis* said, the great evil of which they had at present to complain was, that one railway company modelled their Bill upon that of some preceding company, with the alteration of certain words, which appeared at first to be unimportant, but which affected the whole legal bearing of the clauses. He, therefore, agreed with the noble Lord that it was of great importance that model clauses should be framed, not by a Select Committee of the House, which he thought was the most unfit tribunal that could be selected; but that they should be settled on the responsibility of Government, with the advice and concurrence of their law officers, and that then they should be applicable to all railways. The noble Lord said there was a difficulty in the way of making these Bills compulsory, but he did not say wherein the difficulty lay. He was sure it did not lie on the part of the public. Take the case of landowners for example. If there was one clear uniform model Bill

by which railway companies would be authorised to purchase land, the landowners would not need to seek after the Private Bill. They could at once refer to the model and see how they would be affected by the operation. But if these Bills were not compulsory, the owners of land through which the railway passed, would never know whether the Company had adopted this model Bill or not; and they would be put to as much trouble, expense, and inconvenience as they were at present.

Mr. *Wakley* wished to know if the Law Officers of the Crown had been consulted in the framing of these Bills?

Lord *G. Somerset* said that they had not; but they had been submitted to a very competent Officer of this House. He saw that it was impossible in the present feeling of Gentlemen opposite, of which he did not complain, to pass the Bills through Committee to-night. How far it might be in his power afterwards to render them compulsory, he could not at present say. For himself, as he had said, he was rather of opinion they ought to be compulsory. He thought, therefore, it would be the most judicious course to move that the Chairman report progress; and by Monday next, if not sooner, he would inform the House whether he would render the Bills compulsory or not.

House resumed. Committee to sit again.

House adjourned at half-past eleven o'clock.

HOUSE OF LORDS,

Friday, February 14, 1845.

MINUTES.] PETITIONS PRESENTED. By Marquess of Normanby, from Public Meeting held in Exeter Hall, for adopting Measures for the Promotion of Health in large Towns.

HEALTH OF TOWNS.] The Marquess of *Normanby* presented a petition, of which he had given notice last evening, relative to the interesting and important subject of the health of large and populous towns. It was not his intention to enter into any details upon that subject on the present occasion, as it was rather his wish to place, at as early an opportunity as was afforded him, before their Lordships the views of the petitioners as detailed at a meeting held at Exeter Hall, in the month of December last—a meeting which was most numerous attended, in spite of the severity of the weather, and the dead season of the

year at which it was assembled. The meeting was unanimously of opinion that there ought to be no delay in applying a remedy to the great evils which were described to exist with respect to the drainage, and other precautionary measures, adopted in large and populous towns; and the object of the petitioners, on the one hand, was to stimulate the Legislature to adopt such measures as were necessary to promote the sanitary condition of towns; or, on the other hand, if the Government was disposed to interfere in this respect, then the Association expressed its desire to assist such interference by removing the misconceptions which existed relative to the measures necessary to be adopted; and also by overcoming the local objections put forward in the various towns which would be affected by them, so as to enable the Government to enforce a complete legislative remedy to this great evil. Having observed the gracious intimation relative to this subject which was conveyed in the Speech from the Throne; and having also seen the Report which had been prepared respecting the Health of Towns—but which was not yet in the hands of many of their Lordships—that statement did contain such a variety of important information, and such a number of important recommendations, that any person wishing to express an opinion on the subject it treated of, would naturally desire some time to make himself acquainted with its contents. Dismissing, therefore, with these remarks the subject of the petition, he should confine himself for the present to merely asking a question of his noble Friend opposite, with respect to one particular evil stated by the petitioners to exist in populous towns, and which had not in any way been alluded to in the Report to which he referred. He meant the abuse which at present was observable with respect to burial societies. It was stated in the petition which he had to present, that the greatest proportion of sickness existing in great towns, fell upon persons between the ages of twenty and forty years; or, in other words, upon those whose exertions were most necessary for the support of their families. It was also stated, that a very great mortality existed amongst infants, which was attributed to the very extensive sale of a noxious compound, partaking principally of the ingredient of opium, which was administered to them under the name of Godfrey's Cordial, or Quieting Syrup, of which one druggist alone was stated in a respectable medical

journal to have sold six gallons in the course of one day. There were also other circumstances to be taken in connexion with this subject, and which were deserving of notice. Many of the children in these populous towns were made members of burial clubs at the time of their birth, a considerable proportion of them being entered on the books of more than one of these societies; a practice of which he had informed himself, and which he could state of his own knowledge went on to a very considerable extent. Within the last two days he had heard a statement from a clergyman who was cognizant of the fact; a lady had intended to call upon a person in the humbler walks of life, for the purpose of condoling with her upon the death of her infant; and on mentioning her intention to another female, the latter replied,—"Oh, it's a very fine (or good) thing for her; for the child was in two burial societies." It was an abuse of words to assert that such practices and such sentiments as these tended to brutalize the lower classes; for the brutes' instinct taught them to protect their offspring; whereas it required intellect to speculate in the manner described upon human life; and, in many cases, this species of speculation amounted to murder. He found by the burial society regulations that it was necessary for a child to be sixteen weeks old before it was entitled to the benefit of the club; so that a child, when it arrived at the age of four months, might reap the benefits of a burial society, and, consequently became an object of speculation to its parents. He begged to call the attention of the Government to the expediency of instituting some regulation by which a child should be prohibited from being a member of more than one burial society, thus rendering it impossible for the parents to reap any benefit by its becoming entitled to mortuary allowances. Another evil to which he desired to draw attention was the practice of speculating on other persons' lives. He thought no one, not connected by family ties, or not having a direct interest in another person's life, ought to be allowed to speculate either upon the chances of its existence, or rather upon his burial; whereas he understood it was a common practice to speculate upon unhealthy lives or occupations in the form of burial clubs. Another clergyman had stated to him a case wherein the parents or nearest relatives of a transported convict addressed a letter to him whilst he was on his way to a penal settlement, bidding him

good bye, reminding him that they had kept his name on the burial club, and desiring him, in case anything transpired (meaning if he died on his voyage out), to be sure to take care and let them know. Now, the cases to which he had referred were only one class of the evils arising from the system described. It had latterly been applied to adults in the mode he had described; but the bulk of the evils which it generated fell upon the infant population. He wished, with reference to this subject, to ask his noble Friend opposite if the Government had taken the subject into consideration; and if, in consequence, he might entertain any hope that a measure respecting it would be proposed to the Legislature during the present Session? If such should not be the intention of the Government, he would, although fully aware of the difficulty with which any measure not brought forward by Ministers always met with, endeavour to introduce some remedy for the evils of which the petitioners complained. In presenting the petition he could only repeat the expression of gratification which he had already uttered with respect to what had occurred on this subject since the meeting at which it was prepared was held.

The Duke of Buccleuch said, the subject of the petition presented by his noble Friend was one which had come under the serious consideration of Government. It was one, however, of great difficulty as to the power of devising means to check the evils of the practices referred to, nor could he hold out any prospect of a legislative check being found to restrain those abuses. The subject was, however, still under the consideration of Government, it being the anxious desire of Ministers to devise some means to stop the evils complained of; at the same time, whilst the mischievous effects of burial societies were admitted, they were, though liable to abuse, productive of great relief to a large class of persons.

Lord Campbell said, that if any legislative measure of the kind was intended by Government, it would be well that they should take into their serious consideration the subject of insurance upon lives. He was shocked to say there had happened within his own knowledge an instance where an insurance had been effected on a person's life, and a murder had afterwards been committed on the person so insured. He knew not whether the Legislature could reach such a case as this or not, but when the subject of the petition came under the consideration of Government he trusted it

would not be held unworthy of the attention of Ministers to see if some means could not be devised to prevent persons from insuring any lives except those in the duration of which they had a deep and obvious interest.

Petition read, and ordered to lie on the Table.

IRISH CONSTABULARY APPOINTMENTS.]

The Marquess of *Normanby* begged to give notice of his intention to move at some future day between the present time and Easter for a Return of the name of the individual appointed to the post of Deputy Inspector of the Constabulary Force in Ireland. He did not in making this Motion mean to cast any invidious reflection upon the gentleman who had been nominated to the post, as he was no doubt an efficient and trustworthy person; but his only wish was to ascertain whether the Irish Government had proceeded in making this appointment upon the principle which he had established when he had the honour of being Lord Lieutenant of Ireland, namely, of leaving the promotion in the constabulary force of that kingdom at the disposition of the Lord Lieutenant, upon the recommendation of the Inspector General.

House adjourned.

HOUSE OF COMMONS,

Friday, February 14, 1845.

MINUTES.] PETITIONS PRESENTED. By Mr. Hutt, from Gateshead, for Removal of Jewish Disabilities.—By Viscount Clive, from Parish of Tremerchion, county of Flint, against the Union of St. Asaph and Bangor.—By Mr. Hawes, from Anti-Slavery Society, for Encouragement of Free-Labour Produce.—By Mr. Darby, Lord Alfred Hervey, and Colonel Wyndham, from 3 places in the County of Sussex, for Agricultural Relief from Taxation.—By Colonel Sibthorp, from Attorneys and others, of Stamford, for Repeal of the Stamp Duties on Attorneys' Certificates.—By Mr. Stuart Wortley, from Coal Proprietors of Yorkshire, for Repeal of Export Duty on Coals.—By Mr. G. Craig, and Mr. Macaulay, from Paper Manufacturers and others, of Edinburgh, against the Duty on Paper.—By Mr. T. Duncombe, from James Clark, of Chepstow, complaining of decision of Local Commissioners relating to the Property Tax.—By Mr. Mitchell, from Soap Manufacturers, against the Duty on Soap.—By Mr. Roebuck, from Metropolitan Builders, and by Mr. T. Duncombe, from Clerkenwell, against the Window Duty.—By Mr. Manners Wortley, from Cambridge, against the present Poor Laws.—By Colonel Sibthorp, from Lincoln, against the Insolvent Debtors Act.—By Mr. C. Russell, from Physicians and others, of Reading, by Mr. S. Crawford, from Rochdale, Mr. Wakley, from General Medical Practitioners, Mr. Barclay, from Sunderland, Mr. Dodd, from Maidstone, Sir J. Hanmer, from Kingston-upon-Hull, Mr. W. Patten, from Ulverston, and Colonel Rolleston, from Nottingham, against the Medical Practice Bill (1844).—By Mr. Bright, from Durham, and Mr. Sanderson, from Colchester, against Increase of Naval and Military Establish-

ments.—By Mr. T. Duncombe, from Joseph Mazzini, for Inquiry into the Post-Office.—By Mr. Bright, from County of Lincoln, for diminishing the number of Public Houses.—By Mr. Hawes, from British and Foreign Anti-Slavery Society, for the Abolition of Slavery.

COMMERCIAL TREATY WITH TURKEY.]

Dr. *Bowring*, seeing the right hon. Baronet in his place, would put the question of which he had given notice on a former evening, in reference to the Commercial Treaty with the Ottoman Empire. When that commercial Treaty was entered into with the Porte duties had been imposed on the import and export of goods by Her Britannic Majesty's subjects, throughout the Ottoman Empire, and the equivalent which was given them was the abolition of the monopolies of goods which left open the interior of the Turkish Empire. Under that Treaty British merchants were empowered to import at 3*l.* per cent. *ad valorem*. Since then there had been an additional impost levied to the extent of 9 per cent., which was not authorised by the Treaty, making, in all, 12 per cent. upon our imports. Other parties trading thither stood in a different situation, and rested their exemption from so high a rate of duties upon other considerations, and they imported or exported at a rate of 3*l.* per cent. inwards and outwards. The question which he wished to put to the right hon. Baronet was, whether any effective measures had been taken to place British subjects of Her Majesty trading to the Levant on a level with other subjects trading to that part of the world?

Sir *Robert Peel* said, the Government were not satisfied with the manner in which the Commercial Treaty had been carried into execution. There were subjects of some countries which were entitled to privileges that British subjects did not possess, and with which we could not meddle, although there was an article in the Treaty which provided that subjects of Her Majesty in the Turkish Empire should be upon the footing of the most favoured nations. There were now pending negotiations upon this subject by the Porte and the British Minister, and, as of course, this was a step towards a better understanding upon the subject of these duties with the Porte, the hon. Member would be, perhaps, gratified to learn, that the subject of these duties had not been overlooked by the British Government.

Dr. *Bowring* wished to ask the right hon. Baronet if it was his intention to place the Papers on this subject before the House?

Sir *R. Peel* said, when the negotiation was concluded he should have no objection to do so.

Subject at an end.

FINANCIAL STATEMENT—THE BUDGET.]
The House in a Committee of Ways and Means,

Sir *Robert Peel* said, Mr. Greene, although, Sir, I have had considerable experience in the discharge of official duties, and although I have frequently had occasion to address this House on matters of great public concern, yet I cannot approach the discussion of that subject which I am now called upon to discuss without great anxiety, and without a deep consciousness how imperfect and inadequate will be the explanation which I shall be enabled to give. But, Sir, though I rise under some disadvantage, from the period of the year at which this statement will be made, yet, after the announcement contained in the Speech from the Throne, that Her Majesty's Government meant to propose a continuance of the Income Tax for a further limited period, we felt that we had no alternative—whatever might be the precedents, and whatever might be the ordinary course as to financial statements—but at the earliest day to submit to the House and the country the general views of Her Majesty's Government with respect to our financial position and our future commercial policy. Sir, it will be my duty to present to the House a general view of the present financial position of the country; to make an estimate of the probable Revenue; and to discuss the great question—whether it be consistent with the public interest that the present amount of expenditure should be retained, or whether it be not fitting that there should be, in respect of some important branches of the Public Service, an increased vote beyond the expenditure of preceding years. If the House should entertain that proposition for the reasons which I shall adduce, it will then be incumbent on me to propose for the consideration of Parliament whether it be fitting that that increased expenditure shall be made from the ordinary sources of Revenue, or whether it be more advisable that that Tax imposed in the year 1842 on Property and Income shall be continued for a further limited period, for the double purpose of providing efficiently for the exigencies of the Public Service, and for enabling Parliament to reduce and repeal other taxes bearing more immediately on

the industry and commercial enterprise of the community. Sir, I am convinced, on the one hand, that this House will duly appreciate the magnitude of the task which I thus undertake, and that, whatever be its difficulties on account of my inadequacy to contend with them, those difficulties will not be aggravated by any want of patient and indulgent attention on the part of this House; and, Sir, on the other, I shall attempt, on this occasion, to lay before the House as fully and as comprehensively as I can all those considerations which appear to me the proper elements of its future decisions. I shall not enter into any statement or make any observations connected with past party considerations. I shall make no invidious contrasts; nothing shall fall from me to-night which can prevent any Gentleman from exercising, in respect to such important matters, a dispassionate judgment, uninfluenced by mere considerations of party. I know I must necessarily touch on topics that have been, and will be again, I doubt not, the subjects of fierce political contention; but I shall postpone that contention to some future period, and I shall to-night, attempt, as I said before, fairly and dispassionately, to lay before the House the present financial position of the country, and explain the views of Government in respect to the course of policy we propose to adopt. Sir, I will, in the first instance, begin by referring to that estimate of the finances and expenditure of the country which was made by my right hon. Friend the Chancellor of the Exchequer, when he last brought the Budget under consideration of Parliament. My right hon. Friend, speaking, I think, at the latter end of April, 1844, calculated the Revenue for the current year (that is, for the year ending the 5th of April, 1845) at 51,790,000*l.* My right hon. Friend calculated the expenditure at 48,643,000*l.* leaving an estimated surplus of 3,147,000*l.* That calculation was disturbed, on the one hand, by a reduction of taxation to the amount of 400,000*l.* I allude to the abolition of the wool duty, and to the duty on glass, remitted at a subsequent period of the Session; but then, on the other hand, credit was taken for a demand of 400,000*l.* on account of the expenditure for the expedition to China, which vote it was not necessary to apply; and, therefore, the estimated Expenditure of my right hon. Friend involved a saving on the one side exactly balancing the reduction of taxation on the other.

My right hon. Friend stated at the same time that, in consequence of postponing the payment of 769,900*l.* for the purpose of equalising the payments on dividends reduced, the apparent surplus would be reduced by that amount to a real surplus of 2,376,930*l.* Now, Sir, I have the satisfaction of stating that that surplus, as estimated by my right hon. Friend, was, in point of fact (making up the account to the 5th of January), very considerably exceeded. It will appear by the balance sheet, referring to the Revenue and Expenditure up to the 5th of January, that there was a surplus of 3,357,000*l.* Instead of 51,790,000*l.*, the sum calculated upon by my right hon. Friend, the amount of net receipt of Revenue on the 5th of January was 54,003,000*l.* That increase chiefly arose from the increased receipt of the Customs. Instead of 21,500,000*l.*, as estimated by my right hon. Friend, the actual receipt was, up to the 5th of January, 22,500,000*l.* The Excise, which was taken by my right hon. Friend at 13,000,000*l.*, actually produced 13,308,000*l.* There was some money received under the Treaty with China, amounting to 385,000*l.* for which my right hon. Friend had not taken credit; and the result was, on the 5th of January last, an actual income of 54,000,000*l.*, instead of the estimated income of 51,790,000*l.* The expenditure on the 5th of January, 1845, on account of Debt and Consolidated Fund, amounted to 32,862,000*l.*, and on account of the payments then made for the Army and Navy and other Public Services, 17,784,000*l.*, making a total expenditure of 50,646,000*l.*, and leaving a surplus, as it appears on that account, amounting to 3,357,000*l.* At the same time, although that is the actual account, as appears on the 5th of January, yet the House will be naturally anxious to have an estimate of the account as it will probably appear on the 5th of April next. The House will of course recollect that at the period of which I am speaking, I can only submit, in a matter of this kind, an estimate rather than a positive statement; but certainly I have every reason to apprehend that the balance, comparing the probable receipts of Revenue within the year, on the 5th of April next, with the probable Expenditure, will amount to a sum of above 5,000,000*l.*, for the year. That account, to one cursorily reading the Papers presented to the House, will appear rather confused, on account of the arrangements which have been necessa-

rily made in the different quarters of the year, for the payment of the public creditor. At one period, if you take the year to end on a particular day of one quarter, the charge for the debt will appear considerably more than the same charge for another year terminating on the same day of another quarter. I will not trouble the House with minute details on this point, but I think it may be safely estimated (and I am ready to lay before the House as exact and complete a statement of our financial condition as I can)—I think, I say, the House may calculate upon our being in possession, on the 5th of April next, of a surplus of Revenue received during that year, as compared with the expenditure, of, at the very least, 5,000,000*l.* Now, I know, as my right hon. Friend, the Chancellor of the Exchequer, reminds me, that this sum will not appear on the face of the accounts, because, the sum of 2,000,000*l.* has been applied to the payment of Exchequer Bills, on account of the opium compensation. I do not wish, however, to deal to-night with the intricacies of accounts. I wish to state to the House what is the real practical position of the finances, severed from all questions of the mode of drawing up the annual accounts; and I think that I am justified in stating that such has been the improvement of the Revenue, apart from the Property Tax, that the surplus will be as I have stated, viz, a surplus Revenue of at least 5,000,000*l.*, on the 5th of April next, as compared with the Expenditure. A part of that receipt of Revenue is made up from temporary and casual sources. I am now speaking of the actual receipt of Revenue within that year. About 385,000*l.* will have been received on account of China money; there are other small sums received from the South Sea Company; and, taking them altogether, perhaps the whole amount received from casual sources will be 500,000*l.* which we cannot speak of as permanent supplies. Of course a portion, and a very considerable portion, of the Revenue is derived from the Income Tax, which has produced 5,190,000*l.* If it had not been for the receipt of this sum from various casual sources, and the receipt of the sum I have mentioned on account of the Income Tax, the Revenue, which in that case would be derived from ordinary permanent sources, would not quite equal the Expenditure. I think the best course which I can now take is to submit to the House the estimate which

has been prepared by my right hon. Friend and myself, of the probable receipt of Revenue in the next year. I have no right to assume that this House will sanction the continuance of the Income Tax, and I think, therefore, it will be better that I should, in the first place, estimate the Revenue, supposing the House should determine not to continue the Income Tax. We are disposed to estimate the receipt from the Customs, in the year ending the 5th of April, 1846 (I am not now speaking of the probable estimate which I before alluded to, and which I shall presently lay before you, up to the 5th of April in the present year, but I am now addressing myself to the prospects of the coming year, from the 5th of April next, to the 5th of April 1846), at 22,500,000*l.* But there has been a very large receipt from the duty on foreign corn this year, and the revenue from Customs has also been a very large one, independently of that source, and, perhaps, the experience of past years would induce us not to calculate too confidently, after one very productive year, on the necessary continuance of the equal productiveness of the Customs' Duties. Making an abatement, therefore, on account of the probability that the corn duty received in the next year will not equal the amount received in the present, and bearing in mind that the last year has been one of a productive Customs' Revenue, we are not inclined to take the estimate for the coming year at more than 22,000,000*l.* The Excise was estimated to produce 13,000,000*l.* and it did produce 13,300,000*l.* We feel ourselves warranted in estimating it at 13,500,000*l.* for the coming year, because, there has been for some time past a progressive increase in the Excise Revenue, and because it has been found by experience that the Excise recovers more slowly from depression than almost any other branch of the Revenue. During a period of distress, habits of economy are formed, which after the removal of the pressure continue to operate, and the Excise then recovers less rapidly than the Customs; but still experience would lead us to suppose that where the improvement has been progressive, it will go on advancing, and that we may be warranted, therefore, in estimating the Excise Revenue in the coming year at 13,500,000*l.* The Stamps we propose to take at nearly the sum which will be actually produced this year, that is, 7,100,000*l.*; the Taxes, that is, the Land and Assessed Taxes, we estimate

at 4,200,000*l.* The Post Office Revenue, we feel ourselves warranted, from the increase of it during the last year, and the facilities which have been recently given for an increase of foreign correspondence, in estimating (as the probable produce of next year) at 700,000*l.*; it has actually produced 690,000*l.*, and, therefore, that seems a reasonable estimate. The Crown Lands produced 155,000*l.*, and we take them at 150,000*l.*; the Miscellaneous we will take at nearly the same; it actually produced 250,000*l.* I have here been speaking of the ordinary permanent sources of Revenue; the total amount of permanent Revenue which we estimate for the coming year will be 47,900,000*l.* We calculate that during the coming year we shall receive 600,000*l.* of China money, net receipt, above any demands to be met; and even if the House should refuse its sanction to the continuance of the Income Tax, we still shall be entitled to take credit for the receipt of half a year's Income Tax, amounting to 2,600,000*l.*; and, therefore, on the 5th of April, 1846, we shall be enabled to add to the ordinary permanent Revenue for that year two sums of 2,600,000*l.*, and 600,000*l.*, on account of China money, making a total of Revenue, even if the Income Tax be discontinued, on the 5th of April, 1846, of 51,100,000*l.* I will now state what would be the demand upon that amount of Revenue, supposing the Estimates which were voted last year were continued at their present amount, and there were no increased demands made of expenditure. The charge for the Debt we can of course calculate; the charge for the Debt in the year ending the 5th April, 1846, will be 28,450,000*l.*; we shall then have the full advantage of the reduction which took place last year in the interest of the Three-and-a-Half per Cents. The charge for the Debt, funded and unfunded, will be next year 28,450,000*l.* The charge on the Consolidated Fund we take at 2,400,000*l.*, making a total of 30,850,000*l.* on account of the Debt and fixed charges on the Consolidated Fund. The Estimates voted last year amounted to 17,700,000*l.*; the total charge, therefore, assuming the Estimates to remain unaltered, would be 48,557,000*l.* Deduct that sum from the total of Revenue—that is, 48,557,000*l.* from 51,100,000*l.*, and there will still be left a surplus, on the 5th of April, 1846, of 2,543,000*l.*, assuming our estimate of revenue to be correct. I hope the House will pardon the length of these details; I

know not how I can discharge this duty, unless I make this trespass upon its patience by entering into them. If I were to deduct from the Revenue of the next year the receipt of the Income Tax, and the casual and temporary receipt from China money, and assume that to be the amount of revenue in the following years—that is, the year ending 5th of April, 1847, and assuming the Expenditure to remain the same, there would in that case be a small deficiency of Revenue as compared with Expenditure. Now, Sir, the question is, whether or not we are justified in making a demand for increased expenditure on account of the public service?—and I feel it to be of the utmost importance to attempt to satisfy the House that the demand which we intend to make is a just demand. I do not hesitate to admit that no financial prosperity, no surplus of revenue, relieves a Government from the paramount obligation of considering whether, consistently with the public interests, a saving can be made in the public expenditure. There is no more justification for unnecessary and profuse expenditure when your revenue is flourishing, than when your revenue is falling. I am under just as stringent obligations to justify increased demands upon the public purse, when there is a surplus of 5,000,000*l.*, as I should be if there were no surplus at all. It is impossible, Sir, for my right hon. Friend and myself to have performed that duty which has devolved upon us within the last short period, of reviewing the taxation of this country, of seeing how many taxes there are which it would be most desirable to reduce, if considerations of public weight and public interest permitted, without fully estimating the importance of making every practicable saving in the public expenditure which would permit the continued reduction of taxation. At the same time I am afraid that there is generally prevalent an erroneous conception with respect to the nature of the public expenditure, and the means of making reductions in its amount. It is generally supposed that all that portion of the public expenditure which does not consist of payments to the public creditors is a fund which is available for the purposes of reduction. But that is not the case. If you take the expenditure of the present year, amounting to 48,243,000*l.*, you will find it consists of the following charges:—There is 28,450,000*l.* on account of the payment of interest to the public cre-

ditor. The naval and military half-pay, and civil compensations, amount to no less a sum than 4,991,000*l.* The charges actually fixed on the Consolidated Fund amount to 1,878,000*l.* In those charges are included the provisions for the Judicial Establishments, as there are included in the amount of 4,991,000*l.* for Naval and Military Half Pay, and Civil Compensations. There are also the Russian Dutch Loan, and various other permanent charges independent of the debt, which have received the sanction of Parliament, amounting in the whole to no less a sum than 35,309,000*l.* Deducting that sum from the 48,243,000*l.*, which constitutes the total charge of the expenditure, there does not remain more than a sum of 13,000,000*l.* appropriated for the public service, in respect to which, so far as the Executive Government is concerned, reductions can be made. You may say that the charge for naval and military pensions is too high, and ought to have been reduced; but I am now distinguishing the amount of charges due to the public creditor, and which has actually received the sanction of Parliament, from that amount of the public charges which depends on the Annual Estimate, and which is immediately under the control of the Executive Government, and is annually voted by Parliament. The total amount of that sum will not exceed in the present year 12,933,000*l.* Among the other charges which have received the sanction of Parliament, is the charge for the Civil List. And here I may be permitted to say, that any Executive Government that would have a due regard to the exercise of a wise and judicious economy, could not do better than follow the example which has been set them by the control exercised over Her own expenditure by the Sovereign. A settlement was made of the Civil List on Her accession to the Throne. On the occasion of Her marriage no addition was made to that Civil List. It has pleased God to bless that marriage by the birth of four children, which has made a considerable additional demand upon the Civil List. In the course of last year three Sovereigns visited this country; two of them the most powerful Sovereigns in the habitable globe—the Emperor of Russia and the King of the French. Those visits, of necessity, created a considerable increase of expenditure; but through that wise system of economy, which is the only source of true magnificence, Her Majesty was enabled to meet every charge, and to give a

reception to those Sovereigns which struck every one by its magnificence, without adding one tittle to the burdens of the country. And I am not required, on the part of Her Majesty, to press for the extra expenditure of one single shilling on account of those unforeseen causes of increased expenditure. I think that to state this, is only due to the personal credit of Her Majesty, who insists upon it that there shall be every magnificence required by Her station, but without incurring a single debt. I know it may be said that I have not adverted to other sources of reduction in the public expenditure. It may be said that offices might be abolished, and that emoluments might be reduced. I admit that no office ought to be retained which is not necessary for the public service. I admit that no emolument attached to any office ought to be retained which is not necessary to secure the faithful and efficient performance of the duties necessary for the public service. On that principle we are entirely agreed. I vindicate no sinecures, and when an office becomes vacant, we go through that process which has been so frequently recommended, of considering if the retention of it is necessary for the public service, and if the emoluments will admit of reduction consistently with a due regard for the public interests. Now, with regard to the charges for the collection of the Revenue, it should be borne in mind that the extent of the Revenue Establishment is not merely to secure an efficient collection of the money due to the State, but that it is of the utmost importance that every facility should be given for the transaction of commercial business. It is our duty to reduce those establishments, as far as it is consistent with public convenience. I do not vindicate the retention of one single useless officer; but the public is interested in giving to the despatch of public business every facility that can be given consistently with a due regard to economy, and, therefore, so far as the principle is concerned that the Revenue ought to be collected at the least possible expense, and that you ought to make every reduction you can, upon that point I apprehend there can be no difference of opinion. But, still, after that admission, you will find that the subject has constantly occupied the attention of every Government, and that great reductions from time to time have been made. But it would be a delusion and a fallacy to expect that you can materially reduce the public burdens by any diminution of the

salaries of the persons employed. At the same time it might be said that those great public establishments for which a vote is taken every year, and which constitute the main charge on the Revenue, independent of the fixed charges—such as the Army, the Navy, and the Ordnance of the country—may admit of some reductions. I, first of all, will state the estimate we propose for the expenditure on account of the Army. Now it is impossible to determine whether that expense be justifiable or not without adverting to the extent of the Colonial empire of this country. In point of fact, the main expense on account of the Army is caused by the extent of your Colonial possessions. You have these Colonial dependencies, and to make no provision for the relief of the troops serving in them would be inconsistent with humanity in the first place, and inconsistent with prudence in the second: Apart from all considerations of humanity, in point of economy nothing can be more precious than the life and health of a soldier. The army that you are thus obliged to possess is a very expensive and complicated machine, and you may depend upon it you will not consult true economy if you permit it to be dislocated and deranged by attempts at reduction without the calculation of consequences. Now, in the year 1792, which has frequently been referred to as the criterion of what our military establishments ought to be—in the year 1792 you had 22 Colonial dependencies; in the year 1820 you had 34 Colonial dependencies; and in the present year, 1845, the Colonies, which were 22 in 1792, have increased to 45. It is the number of your Colonies, and the dispersion of the forces employed in them, that leads to the necessity of frequent relief, and imposes on you, with reference to your army particularly, as distinguished from the armies of the Continental Powers, in order to maintain the efficiency of that force, a considerable annual expenditure. It may be said that it was unwise thus to extend our Colonial empire; but I deal with the fact that you have Colonies—that having them you must provide a competent force for each, and that having a competent force, you must have an adequate and sound system for relieving the soldiers in them. Sir, I should be unwilling, though I know our Colonies are expensive, and I know they are numerous—I should be unwilling to give up that policy which laid the foundation in differ-

ent parts of the globe of dependencies animated by the spirit of Englishmen, speaking the English language, and laying the foundation, perhaps, in future times, of free, populous, and commercial states. Looking to our own population, looking to its numbers, looking to its enterprise, I cannot say that I think it is unwise to provide an outlet for that population, and a wide field for that enterprise. Be that as it may, though it may be attended at times with some considerable expense, you must remember the fact that you have at the present moment forty-five Colonies, for the military defence of which you must provide. For the service of these forty-five Colonies you have a force, consisting, first, of three battalions of guards; of 6,500 cavalry, rank and file, and you have 112 battalions of infantry, consisting, rank and file, of 92,500 men; that is the amount of the British Army with which you are to garrison all these forty-five Colonies, with which we are to provide against occasional internal commotion, and the chance of foreign attack, and to provide also for the service of the country at home. And this is to be effected, and is effected, by an infantry force of 112 battalions, amounting to 92,500 rank and file. Now, what is the rule established with regard to the relief of the soldiers? The rule is this. That a regiment shall remain ten years abroad, and five at home; and I think no one will say that that is an unreasonable regulation, or that it would not be desirable for the efficiency of the army, that every regiment in the British service should, if reliefs could be regularly afforded, not remain more than ten years abroad, and that it should have the advantage of remaining five years at home. After the return of a regiment it generally arrives in such a state that it requires a year to bring it into an efficient condition. Nevertheless, if Her Majesty's Government thought it consistent with true economy, with humanity, and with the efficiency of the service to reduce the military force, it would be their bounden duty to recommend the reduction. But what is the fact with regard to the service of regiments abroad? Of the 112 battalions of infantry in the British service, there are now twenty-three in India, fifty are serving in the Colonies, and four are on their passage, making in all seventy-seven battalions actually employed in the defence of your Colonial empire. You have

thirty-five battalions at home—not, as it is supposed, for the purpose of restraining the population, but for the purpose—and you effect it incompletely—of maintaining the system of relief for your regiments serving abroad. Your rule is, five years at home, but ten years abroad; but you have not been able to adhere to it. The military force that you have at home does not enable you to supply the demands of what you describe as a necessary relief. Now let me take a series of years, from the year 1824 to the year 1842, a period of eighteen years of profound peace—at least there was during that period no general warfare, though there were occasional interruptions to tranquillity—from 1824 to 1842, and the number of battalions during that time has remained the same, namely, 112. Now, what was the foreign service during that period the average service of the whole of the battalions—was it ten years abroad and five at home? For the whole of the battalions during those eighteen years, the colonial service was fourteen years, and only four at home. It may be said that I speak of rank and file, and that there is necessarily a number of officers included. Now, look at the effect of attempting to reduce the number of officers. You had a reduced establishment of officers in India, and what did you hear from Sir C. Napier? He said at once, you have so reduced your number of officers, that you are endangering the efficiency of your regiments, and we were obliged to increase the number of officers in consequence of his representations. What is the fact with respect to the service in India at the present moment? There are twenty-three battalions in India, twelve of them whose period of foreign service has been upwards of thirteen years; there are four battalions in India whose period of service has been upwards of twenty years; and there is one battalion in India which has been on foreign service for twenty-three years, which is now returning home; and if it be allowed to remain five years at home, and then be sent out again for ten years, when it comes back at the end of the ten years, it will have been thirty-three years abroad on foreign service, and five at home. Now, if you adhere to your own rule of five years at home and ten years abroad, you would require no less than forty-seven battalions at home. If you said that regiments in Australia and India should serve ten years, you would require ten additional battalions at home to give them the proper relief.

Independently of the depôt companies, we have only thirty-five battalions at home; and I ask the House whether Her Majesty's Government would be acting consistently with their duty, if, after the facts which I have stated, they recommended a diminution of the British Army? I know, Sir, that some temporary popularity might be gained by advising that reduction; but when I look to the system of relief, however imperfectly those principles upon which it is founded, with the present force at home, are carried into effect, I am bound to say, that I do not think it would be consistent with sound policy, or with economy, to propose—while you retain your vast Colonial empire—a reduction in the military establishments of the country. I hope the House will excuse me for dwelling thus in detail upon our expenditure, because, as I said before, I feel that no financial prosperity can justify any increase in the expenditure which can be avoided. We propose no increase in our military establishments; but, at the same time, we do not think it would be desirable to recommend to the House to diminish the military force of this country. Consequently, we propose that the vote for the Army Estimates in the present year, shall be a vote of 6,600,000*l.*, the same as the last year's estimate. I now proceed to call the attention of the House to the state of the Navy, and the demand we shall feel it our duty to submit to the House for an increase in the Naval Estimates. We shall propose, in the course of the present year, an increase in the number of men serving in the Navy, of about 2,500 more than those that are now actually employed, and of about 4,000 more men than those voted last year. We shall make that proposal on the following grounds:—that on account of our extended Colonial empire, and the new commercial interests connected with it, there is a growing necessity for protection of our commerce in almost every part of the world. Within the last few years three great naval stations have grown up in distant parts of the globe. There is one on the coast of Africa, one in the Pacific, and one in the China seas. Now I will just compare the number of men employed in these several stations in 1841, with the number of men we felt it our duty to employ; for, really we had scarcely any option to exercise with respect to that employment in the course of the autumn of last year. In 1841, on the coast of Africa, there were employed 690

men. Last year, for the purpose of making a more vigorous attempt for the suppression of the Slave Trade, there were employed on the coast of Africa 2,590 men. In the Pacific, in the year 1841, there were employed 760 men; in the last year there were, and there are at present, employed, 2,437 men. In the China seas, in 1841, there was only a small frigate. I believe that was previous to the commencement of hostilities; but our ordinary relations with China were conducted by the occasional presence of a small frigate. But at the present time, in consequence of the Treaty which we entered into with China, there are employed on the coast of China 2,105 men. We have attempted to reduce the number. In the China Treaty, however, there is a stipulation that we should have one vessel off each of the five ports at which our commerce was to be carried on. We attempted to reduce the number. We tried to adopt the plan of having a steamboat to pay occasional visits to those ports. But we were immediately met by the strongest representations from the most eminent authorities—from Sir Henry Pottinger, and his successor, Mr. Davis—earnestly intreating us, in consideration of the new state of things, our new relations, and of the importance of imposing a check upon those who frequented these ports, and preventing any infraction of the Chinese laws, immediately to dispatch an additional force; and so convinced were we of the justness of the representations thus made to us, that we at once acceded to the demand of Sir Henry Pottinger and Mr. Davis, and dispatched an additional force to the China seas. Now comparing, in these three stations, the number of men employed in 1841 with that employed at present, there is an actual increase in the number employed now of about 6,000 men on those stations. It would not be proper to go into more minute details; but the House will recollect what took place in the course of the last year—the complaints made that we had not a sufficient force at this island or that; and if I had the opportunity, I certainly believe that I could convince every dispassionate mind that we could not with safety or wisdom reduce the force that we now have either in China or the Pacific. Not, indeed, that an increase is wanted for any purpose of war or oppression; but our commerce is greatly extending on the west coast of South America, and it is impossible to deny that the presence of a British vessel has very

great effect in maintaining relations of peace. I am sure that upon those three stations alone there has been an increase in the men employed at a distance from this country of not less than 6,000. You must observe, too, that the very dispersion of your naval force has an effect like that produced by the dispersion of the army. The necessity of having your naval force dispersed over the habitable globe, does in fact diminish the efficiency of the naval force at home. We purpose, therefore, with perfect confidence in the justice of the requisition, to increase the naval force for the present year by 4,000 men. Now the charge for the expenditure caused by that increase will be 184,000*l*. And here let me add, that I do not intend this increase merely upon the ground of protection to our distant possessions. For I do say, without hesitation, that I think it is of great importance that this country should have the means of perfecting discipline, of improving its officers, and of having ready at its command a certain number of ships of the line. I do not believe that it ought to give, or that it would give, any cause for jealousy, if this country should have at its command a fleet of nine or ten sail of the line. It is of great importance that opportunity should be given for our vessels to act together—it is of great importance that we should have the opportunity of testing the sailing and other qualities of vessels, and we have no means of doing so efficiently, unless we are enabled to send them to sea. But, Sir, I am afraid that the approbation of the gallant Officer opposite (Sir C. Napier) will be neutralised by the disapprobation of some hon. Gentlemen who sit behind him, and who may not be so convinced of the policy of this increased expenditure as the hon. and gallant Gentleman himself. We do not, Sir, propose this increase under any apprehension of war; we do not propose it with any view whatever to aggression, but in the conviction that it is proper and politic that this country should have at its command a few line of battle ships to place where she will. The increase of the number of men by 4,000 will not enable you, if you attend to the requisition for the protection of your commerce in distant parts of the globe, to have more than ten sail of the line. Sir, it is also impossible, I think, for this House to overlook the progress which is now making in improving steam navigation. Last year this House sanctioned a vote for two basins for the construction and repair of steam-vessels—one at Portsmouth and another at Devonport. We shall, therefore, propose to take a vote in the present year for proceeding with the formation of those basins which received the sanction of the House last year. The vote I propose to ask for is 187,000*l*. We shall also take a vote for the purpose of enabling us to maintain the steam navy of this country. I shall propose, I say, a vote to give us the means of constructing vessels which shall keep up in this country a respectable steam navy suited to a peace establishment. Now, Sir, on account of the services connected with the Navy, and of the Ordnance in immediate subordination to the Navy, there will be this year an increase in the Estimates of nearly 1,000,000*l*. The Estimate which I will now present to the House is for the total Expenditure for the year ending April 1846. The Charge for the Debt is 28,395,000*l*., for the fixed charges on the Consolidated Fund 2,400,000*l*., being a total of 30,795,000*l*. The Vote of Supply for the Army is 6,678,000*l*., for the Navy 6,936,000*l*., for the Ordnance 2,142,000*l*., for the Miscellaneous Estimates 3,200,000*l*., being together 18,895,000*l*., and added to the charge for the Debt, and for the fixed charges on the Consolidated Fund, 49,690,000*l*. For the Revenue of the next year I will take 51,100,000*l*. The charges for the present year, 49,690,000*l*. For this increased expenditure, the Revenue for next year, even if the House did not determine upon the continuance of the Property Tax, would provide. That Revenue as I have said, will amount to 51,100,000*l*., and the Charge anticipated being 49,690,000*l*., on the 5th April, 1846, there would still be a surplus of revenue with the half-year's Property Tax which is yet to be received. I am not now estimating the permanent revenue and expenditure of the country. I am stating what will be the state of our finances on the 5th April 1846, with the proposed increase of expenditure. It is quite clear that if this expenditure were to be continued, and if the Income Tax was not to be renewed, unless there were to be some considerable increase in the Public Revenue from other sources, there would probably be a deficiency in the years following. I have thus attempted to lay before the House the present financial condition of the country; I have estimated the Revenue to the 5th April next, and also for the year ending the 5th of April 1846; and I have also laid before

the House what will be the amount of Expenditure Her Majesty's Government, with a provident care for the public interests, will feel it to be their duty to recommend to the House. The next question that arises is—and it is a most important one—in what manner this increase of expenditure is to be provided for? Will you run the risk of entailing a deficiency in future years, by making no provision for the time to come, and seeing that in 1846 the Revenue will be sufficient to meet increased expenditure, will you postpone the consideration of what will be fitting to do until that year shall have expired? Her Majesty's Government do not consider that that would be a prudent course, or that they would be doing their duty by acting without regard to the future condition of the country. I know it does not conduce to popularity to make a proposition for increased or for continued taxation; but it is the duty of a Government to consider the prospects of the future, as well as the present exigencies of the country, and if they are satisfied that the public interest demands a continuance of taxation, even though it may be unpopular, it becomes their duty respectfully to submit to this House the consideration of a proposal on that important subject. We are convinced that it is our duty to propose a continuance of the Property Tax for a further period; and before I am led to ask the assent of this House, or any Gentleman in this House, to that proposal, I feel it is absolutely necessary that I should explain, as I shall now proceed to do, what are the views of Her Majesty's Government with respect to the appropriation of the surplus revenue which will be placed at their disposal after fully providing for every exigency of the Public Service. I know well, as the noble Lord opposite stated the other night, that it is impossible to give an opinion upon the question, abstractedly, can the Property Tax be continued or not? without knowing what are the measures in respect of relief from taxation which would follow as a consequence of its continued imposition. Let me assume for the present—and I merely assume it for the purpose of argument and to make my statement more clear—let me assume, I repeat, for the present, that the House has granted the continuance of the Property Tax. I will then give a short estimate of the revenue arising from it, together with other sources. Suppose, then, the Property Tax to be

continued, the estimate of the Revenue for the next year, on the 5th of April, 1846, aided by the 5,200,000*l.* of the Property Tax for the whole year, would be 53,700,000*l.*; and as long as the other sources of the revenue remain equally productive, and as long as the Property Tax is continued, 53,700,000*l.*, subject to a reduction of 600,000*l.*, will be the amount of the Revenue. This 600,000*l.* is the amount received as China money; it will be continued next year; but as that is merely a temporary addition, I think it is better, for the purpose of calculating the Revenue to strike it out altogether. The Revenue for the year, then, on the 5th of April, 1846, assuming the Property Tax to be continued, deducting this sum of 600,000*l.*, will be 53,100,000*l.* The charge for the debt, and on account of the different branches of the public service, will be 49,690,000*l.*; so that there will be left, on the 5th of April, 1846, and in successive years as long as the Income Tax continues, and the other sources of the revenue remain equally productive, a net surplus of 3,409,000*l.* That is the surplus that will remain if the House should acquiesce in the proposal which I shall make to increase the expenditure on the Navy, and shall also determine that the Income Tax shall be continued. I now, Sir, approach that most important part of my statement I have this night to make, namely, what is the mode in which that surplus, or any part of that surplus, shall be applied for the relief of taxation. What are the inducements, apart from that of providing effectually for the public service, which I can hold out to the House of Commons as a motive to obtain their consent to the continuance of the Income Tax? I should not have proposed to the House the continuance of the Income Tax unless I had the strongest persuasion, partly founded on the experience of the last three years, that it will be competent to, the House of Commons, by continuing the Income Tax, to make such arrangements with respect to general taxation as shall be the foundation of great commercial prosperity, and shall materially add to the comforts even of those who are called on to contribute to the Income Tax. When the question is, having a considerable surplus, to determine how that surplus can be most efficiently employed, the subject becomes worthy of the most important and serious consideration. In the first place you have to consider the claims which may be urged

in favour of a reduction of taxation on account of the heaviness with which certain imposts press on articles of general consumption. You are bound also to consider what taxes press on the raw materials which constitute the staple of the manufactures of the country. You are also bound to consider what taxes cause a great increase in the establishments necessary for their collection, and what are those taxes the remission of which will enable us to diminish those establishments, so as to reduce the expense of collection. We are bound also to consider what are those taxes, the removal of which will give more scope to commercial enterprise, and occasion an increased demand for labour. I will not say which of these considerations ought to be the most predominant—all ought to occupy our serious attention, for all are of the very greatest importance. If we receive the sanction of the House for the continuance of the Income Tax, we shall feel it to be our duty to make a great experiment with respect to taxation, and we shall hope that the general prosperity which will result therefrom will contribute to fill up the void caused by the cessation of the Income Tax in future years. We do not propose to maintain any material surplus of revenue over expenditure, confident that, whatever may happen, this House is determined to maintain the public credit. We have determined to recommend extensive reductions in those taxes which, in our opinion, press more onerously on the community than the Income Tax. I first propose to take those taxes which are collected by the Customs Board, and I shall submit to the consideration of the House on that point, what are the views of Her Majesty's Government in respect to a reduction in the duty on Sugar. The House will recollect that upon this subject an arrangement, temporary in its character, was made in the course of last year, by which sugar, the produce of countries where the article was cultivated by means of free labour, was admitted into competition with sugar, the produce of our Colonies. There was at that time no reduction proposed in duty on the produce of our own Colonies; but propositions were made regarding the importation of free labour sugar, which I think were generally considered as indicative of an intention on the part of Her Majesty's Government, in the course of the present Session, to call the attention of the House to the Sugar Duties, and to propose a reduction in them. The amount of dis-

criminating duties proposed upon sugar, the produce of countries where sugar is cultivated by free labour, was 10s. 6d. Sir, we propose now to adhere to the general principle upon which we acted in the course of last year. We propose to restrict the competition of sugar, the produce of our own Colonies, to sugar which is the produce of countries cultivating it by means of free labour, or which are entitled to the admission of their sugar into this country under reciprocity Treaties which already exist. [An hon. Member made some observation, which was inaudible.] I beg it may be distinctly understood that I do not wish to provoke any discussion on this subject now. All debate upon it had better be deferred to the time when the question of the Sugar Duties is regularly before the House. At the same time it is important, indeed necessary, that I should make a general allusion to the subject in the statement I am now making. The discriminating duty proposed to be established by the Act of last Session was, on free labour British plantation sugar, 24s., and 5 per cent., and that upon free labour foreign sugar, 34s., and 5 per cent.; making upon the former, a total amount of duty of 25s. 3d., and on the latter of 35s. 9d. But, in the course of the discussion last year, it was proposed, as a just protection, to establish a higher discriminating rate of duty on free labour foreign sugar that was clayed or equivalent to clayed. We declined, however, to accede to that proposal, as we found that there was no such rule established with respect to this sugar the produce of our own Colonies, but that there was a uniform rate with respect to all our sugars, except refined sugar; and we were unwilling to establish a different rule with regard to the different qualities of sugar from other countries. We stated, at the same time, that if it were possible to establish a classification applying to our own as well as to foreign sugars, the subject might be well worthy of consideration, and it might be a proper arrangement to make. Some hon. Gentlemen who spoke on the other side of the House endeavoured to establish the policy of a distinction between the coarser and the finer kinds of sugar. We have since that period had communication with officers conversant with the details of the matter, and it has been certified to us that it is possible, both with respect to our own and foreign sugars, to establish such a distinction. We propose, therefore, with respect to all

sugars, except refined, the produce of our own Colonies, to make this arrangement of the duties:—In respect to brown Muscovado sugar, now subject to a duty of 25s. 3d., we propose to make a reduction of 11s. 3d., and to reduce the duty to 14s. With regard to Muscovado sugar, that reduced duty will apply to all British plantation sugar—to sugar the produce of the Mauritius—to sugar the produce of our West Indian Colonies; but with regard to the produce of certain districts in British India, to which a different rule now applies—I allude to those districts which are permitted to import foreign sugars—and with regard to those districts we propose to retain the same relative proportionate duty, and that duty in respect to Muscovado sugar coming from them shall be 18s. 8d. We propose that the amount of protective duty shall not exceed 9s. 4d., and the duty on free labour foreign Muscovado sugar will, therefore, be 23s. 4d. [*An hon. Member:* What will be the case under a reciprocity Treaty?] Of course, as to countries with which reciprocity Treaties are in force, we cannot deprive them of that which is their right under these Treaties. With regard to white, or clayed sugar, or sugar which by some process is made equal to clayed sugar, we propose that the duty on British plantation or East India sugar shall be reduced from 25s. 3d. to 16s. 4d., and that the duty on sugar imported from those parts of India into which foreign sugar may be imported, shall be 21s. 9d., and that the duty on free labour foreign sugar—that is, clayed, or sugar equal to clayed, shall be 28s., thus retaining the whole amount of discriminating duty which last year was 10s. 6d., but applying it in a different manner, giving 9s. 4d. protection on Muscovado sugar, and increasing the protection to 11s. 4d. on the more valuable and costly article of clayed or white sugar. The average amount of discriminating duty, therefore, will remain the same as it was last year. The duty on Molasses we propose to reduce and preserve in the same proportion. It is necessary that I should make the intentions of the Government well understood; but at the same time, without going into minute details, reserving all those for consideration when the Sugar Duties come under the attention of the House, we propose to make a further reduction with respect to the admission of refined sugar. We propose to remove the prohibitory duty on refined sugar, imported from those British possessions which are

entitled to import Muscovado sugar at 14s. duty, and to place upon such sugar a proportionate import duty—viz., on refined sugar 18s. 8d., and 21s. on double refined, the 14s. including the 5 per cent. Now, it is important that I should give to the House the best estimate I can form of the probable amount of sugar to be derived from the possessions of this country abroad. For the purpose of obtaining information on that subject we have applied to four independent sources, with the view of obtaining an estimate of the probable supply of sugar from British possessions for the next year, and I will now read to the House, with its permission, the estimates that have been formed. The stock of sugar on hand on the 1st of January last was 45,000 tons, and the estimate made by the Customs of the probable production of the British plantations is as follows:—From the West India Colonies, 135,000 tons; from the Mauritius, 40,000 tons; and from British India, 70,000 tons, being the supply of sugar for the present year, independent of the stock on hand, of 245,000 tons. I trust that there may be reliance placed on the accuracy of this estimate, as it has been procured from the best sources of information. The next of the authorities which we have consulted calculated the produce of the British plantations at 140,000 tons, the Mauritius at 40,000, and British India at 70,000, making a total of 250,000 tons of sugar to be supplied during the next year. The next authority we consulted has not given so flattering an account. It estimated the produce of British plantation sugar at only 120,000 tons, the Mauritius at 40,000 tons, and British India at 70,000 tons—making an estimate of 230,000 tons. The fourth estimate formed independently, as I said before, of any communication with the authorities for the other estimates, is this. The estimate for British plantation sugar is 130,000 tons, the Mauritius 40,000 tons, British India 65,000—making a total of 235,000 tons. The lowest of those estimates is 230,000 tons, and the highest is 250,000 tons. If you add the highest to the stock in hand, that gives a supply of 295,000 tons; and if you take the lowest, it will give a supply of 275,000 tons. We consider that the effect of the reduction of duty upon sugar will be, on the whole, a reduction of price, so far as duty enters into price, will amount to $1\frac{1}{2}$ d. per lb., or not quite so much as $1\frac{1}{4}$ d. But if you add other charges that accom-

pany a high rate of duty, we think the full effect of the reduction of the duty will be not much short of $1\frac{1}{2}$ d. per lb.; because, as the duty increases, there are charges incidental to that increase, which also increase. I next propose to give to the House the best estimate we can form as to the probable loss to the Revenue which will arise from that proposed reduction. As I said before, we calculate, independent of any supply of free-labour sugar—we calculate on a supply, including the stock in hand, of at least 275,000 tons for the present year. The greatest amount of consumption, I believe, has not been more than 207,200 tons in any one year. We think it is probable that the effect of the reduction of the duty may lead to an increased consumption of perhaps 43,000 tons. Of course these estimates must be taken as very general, but it appears to us probable that the increased consumption of sugar, consequent upon the reduction of duty, will amount to a total not much short of 250,000 tons. The consumption of British Muscovado sugar to the extent of 160,000 tons, at 14s. would give 2,240,000*l.* The consumption of clayed sugar at a duty of 16s 4d. on sugar equal to clayed, to the extent of 70,000 tons, will give a revenue of 1,140,000*l.*; foreign free Muscovado sugar, 5,000 tons, at 23s. 4d., will give a revenue of 116,700*l.*; of free-labour foreign clayed, or equal to clayed, 15,000 tons, at 28s., will give a revenue of 420,000*l.* As I said before, these estimates must of course be very general; but supposing them to approximate to the truth, the consequence will be that we shall receive from the duty on sugar, in consequence of the reduction, the sum of 3,916,000*l.* The Revenue derived from sugar in the last year was 5,216,000*l.* There will consequently be very probably a loss in the next year to the Revenue of very nearly 1,300,000*l.* upon sugar. Now, postponing any further discussion on the subject of the Sugar Duties, until the period when they will come immediately under consideration, I proceed to enumerate the other duties of which we shall propose, as a consequence of the continuance of the Income Tax, the reduction or the remission. It will be recollected that, when the Tariff passed, in the year 1842, there were some small duties still retained upon exports from this country—exports either of raw materials, or manufactured articles so nearly approaching raw materials that they could scarcely be distinguished

from them. At the same time, it will be remembered that we abolished generally the duties on exports, which yielded, I think, about 108,000*l.* They were all abolished, with the exception of a few articles, such, for instance, as, I think, china-stone, and some others of the same description. We propose to adopt, as a general rule, the abolition of export duties on all articles. [An hon. Member: Including coal?] Not excepting coal. I am indifferent to any temporary triumph. I and my right hon. Friends will do what we conceive to be our duty, without regard to whether we may please or displease particular persons. We shall be actuated by other and higher considerations. Applying, then, a general principle to exports of every kind, we do not think it would be wise to reserve coal as an exception. We do think it will be an important principle to establish, that with respect to exports, there shall be no duty leviable; and, in establishing that principle, we agree that coal should be included in it. We are the more willing to act up to the full extent of the principle, inasmuch as the amount of revenue derived from coal has not met the expectation which was entertained when the tax was first imposed. The calculation of the amount to be received was 160,000*l.*, as a clear net revenue, whereas the sum received last year from the duty on coal did not exceed 120,000*l.* I believe that the export of coal has been greatly impeded in consequence of the combinations which have taken place amongst the colliers and the owners of coal mines. These I consider to have been the main cause why the revenue derived from the exportation of coal has not amounted to more than the sum I have named. But I do not take as the ground of the exemption of coals the fact of the revenue not having amounted to the estimate. I do it from an unwillingness to make any exception to the principle which I have already enunciated—namely, that with respect to exports no duty shall henceforth survive. But this I must say, that, after having removed the burden to which coal on its export to foreign countries is now subject, I do trust that the proprietors of coal mines will give to the people of this country the full advantage of that remission. There is an impression—I know not whether it be well founded or not—but there is a general impression that the price demanded for coal sent to the metropolis, and to other

parts of the country, is higher than the price of coal exported to foreign countries. If that be so, there could not be a more powerful justification of this export duty than the fact, that by means of combination a greater price was demanded from the subjects of Her Majesty for English coal, than from the subjects of foreign powers. I must also think that it is a great abuse of natural monopoly, if there be combinations among coal-mine proprietors for the purpose of restricting the supply and enhancing the price of coal in this country. And I trust that this voluntary abandonment on the part of Her Majesty's Government of a tax so much complained of by the coal proprietors, will be met by that body in a corresponding spirit, and that we shall hear no longer of two prices for coal—one for foreigners and another for Englishmen, and that we shall hear no more of combinations among proprietors of coal property for the purpose of restricting the supply, and dividing the amount of that supply among themselves. So much, Sir, for the duties upon exports. [An hon. Member: What was the total amount of the coal duty received by the Government?] The total amount of duty on the exportation of coal does not exceed 118,000*l.*; and the revenue on the other articles exported is very small indeed. The loss which the Revenue will sustain by the repeal of the coal duties, taking last year's receipts as a test, will, as I have just stated, be about 118,000*l.* I now come to the duties which are levied on imports, and which, in amount, are very small on individual articles which are used as raw materials in our manufactures. I dare say, most Gentlemen have referred to the Paper which has been prepared by direction of the Government for the purpose of exemplifying the operation of the present system of import taxation, and of the late changes in the Tariff. It may probably have been observed that by that document there are no less than 813 articles included in the Tariff, 430 of which produce a very small amount of revenue indeed. We propose, Sir, to include in our financial arrangements the abolition of the duties which are now levied on those 430 articles. But in considering the policy of altering these duties, a material question arises; namely, whether it be desirable to abolish the duty altogether, or whether it be desirable to retain a small and merely nominal amount of duty for the purpose of detecting imposition, and of securing the acquisition of useful information.

We have given a good deal of consideration to that subject: it is a difficult one, and deserves much reflection. It will be absolutely necessary, in any event, to retain important means of inquiry with respect to the importation of foreign articles; first, for the purpose of obtaining accurate statistical information. To secure this, it is necessary to ascertain the weight and quantity of the articles imported. In the next place, it is absolutely necessary to retain the power of strict examination, because, of course, we must guard against the possibility of fraud by articles, on which duty is leviable, coming into this country under the pretence that they are articles on which no duty is chargeable. But, upon the whole, we have arrived at the conclusion, while retaining the power of examination, and while retaining the power of ascertaining the quantity and the weight of the articles imported, that it is desirable in making a great reform of this kind, in respect to the receipt of these small duties, that we should abolish them altogether, rather than retain any portion of them. By retaining a small portion of such duties, it may be said that we should increase the vigilance of the Custom House officers, in ascertaining the weight and quantity of articles imported. But if such duties were, as they ought to be, merely nominal, it does not occur to me that the collection of a merely nominal duty would give such an incitement to Custom House officers as that which a duty of considerable amount might excite. But, observe, by abolishing the duties altogether, we get rid of a great number of troublesome accounts which must be kept if any duties whatever are to be levied. If fraud be practised—if on examination it be found that the law is not strictly obeyed or openly evaded—we must then appeal to the House for the purpose of establishing precautionary measures, and for re-establishing a small and nominal duty. But we are willing to try the experiment of abolishing the duties altogether, retaining the power of examination as to the weight and quantity of the articles, so that statistical information shall be secured, and precaution taken against the import duty being evaded on articles still liable to duty, under the pretence that those articles are free of duty. Now, we apprehend that the repeal of these duties will be of great advantage to the trade of this country. Observe, it dispenses with the necessity of warehousing these small goods,

a practice which prevails throughout the country, though I believe it is more extensively observed in the City of London with respect to goods on which small duties are levied than in other parts of the country. Yet even in other towns and cities the removal of a temptation to warehouse such goods will be a great advantage. Upon the whole, therefore, not being very confident of the perfect correctness of our decision, yet we do feel it our duty to advise the House to try the experiment which we did try last year with respect to foreign wool, and admit the importation of those articles to which I shall presently refer without the payment of any duty, being assured that if necessary the House will re-establish such an amount of duty, not for the purpose of raising a Revenue, as shall be considered sufficient to guard against fraud. The articles on which we propose to abolish the duties will be those generally which are the raw materials of our manufactures. The list of these articles contains 430 specific items; and, as that list will be printed, I do not think it necessary to make such a trespass on the patience of the House as to read over the whole of them. I think it, therefore, better to postpone the minute consideration of those articles till another opportunity; but I may state that the total number of articles that will be absolutely swept away from the Tariff will be no less than 430. These will include those fibrous materials, such as silk, hemp, and flax, which now pay a nominal duty; yarns of different kinds, with the exception of worsted yarns, which are subject to some peculiar regulations. We also propose to abolish the duty on furniture woods. There is a great trade growing up in this country, which it is very desirable to promote; and for that purpose I propose abolishing the duty on all cabinet-making materials. The amount of duty at present levied on cabinet woods is very low, and we think that the same principle which has already been applied to sheep's wool ought to be applied to those materials. We propose, also, to abolish the duties on animal and vegetable oils. These were included in the Tariff. We propose likewise to remove the duty upon ores and minerals, with the exception of copper ore, with respect to which an arrangement was made in 1842, and which has worked exceedingly well. The duties on iron and zinc, in the first stages of manufacture, will also be abolished; and we intend to remove the duties on all dye-stuffs, and on

drugs universally, with the exception of some that are very noxious, and liable to be used as adulterations. There are some other articles with respect to which, partly from this and partly from other considerations, this total removal of duty will not take place. I do not propose materially to interfere with the general principles which we have applied to the Timber Duties. We were charged with throwing away a large sum by our alteration of the Timber Duties; but with regard to the great article of foreign timber, I think it will be seen that there has been recently a large increase in the import of Baltic timber—that import is increasing, and although as yet the measure lately passed has not had a fair opportunity of showing its results, I have a very confident hope that eventually my estimate of last year will be realized. The amount received for Timber Duties during the course of last year did not fall much short of 950,000*l*. But there is one particular article, standing on very special grounds, in respect to which, when speaking of Timber Duties, we think an exception ought to be made: I allude to the article of Staves. We have given the most deliberate consideration to this subject; we have read the various memorials which have been presented to us on behalf of the coopers of this country, and we do think that they have made out a case of peculiar hardship, which entitles them to an exemption from the duty on an article which is, in point of fact, the raw material of their manufacture. The cooperage trade has been gradually decaying in this country. Even in our own possessions the export of staves, and the articles that are made from them, is exposed to a formidable competition on the part of the United States. The United States are now supplying our West India Colonies with this important article of trade. The trade of the cooper, again, in consequence of the failure in our fisheries, has fallen off materially. The amount of duty levied on staves this year, for the purpose of manufacture, is not less than 30 per cent. on the value of the raw material, as it may properly be termed. We have considered whether it would be possible to adopt any mode of relief, at the same time retaining the revenue duty; but it appeared to us that this plan must give rise to such a system of fraud, and that it would afford such opportunities for evasion, that we thought it better on the whole to class the article of staves with those that are raw material, and permit a

free and unrestricted import of staves for the use of the coopers. Of course it will be necessary that we should limit the length of the staves, so that they may not be applied to other purposes; but without very minute and vexatious regulations, it will be impossible to prevent the importation of staves altogether which may be used for other purposes, though not contemplated by the law, than for cooperage. Upon the whole, however, we think it better to submit to that evasion of our intention, rather than establish a vexatious system of minute regulations for the purpose of preventing it. I do hope that the removal of this duty will restore the prosperity of a trade which finds employment for some of the most ingenious and respectable artisans in this country; and that the House will consider that we are perfectly justified in taking this one article out of the general category of the Timber Duties. [Mr. Labouchere: Do you remove the duty altogether?] Yes, we take it off altogether. [Mr. Labouchere: What is the amount?] The amount of duty on this article, I think, is about 33,000*l.* We remit it altogether. We diminish the temptation to apply staves to the ordinary purposes of furniture, by making a simultaneous reduction in the duty upon all cabinet timber. [Mr. Labouchere: What is the estimated loss to the revenue?] I think the loss of revenue by the remission of the duties on all these 430 articles will be about 320,000*l.* I now come to that article, which of all others is the most important to the manufacturing and commercial prosperity of this country. I come now to the duty upon Cotton Wool. The present duty on cotton wool is, so far as the revenue is concerned, 5-16ths of 1*d.* the pound weight; but as that duty is applicable to the whole amount of cotton wool imported, and as about one-fifth of the total amount of cotton wool is unavailable for the purposes of manufacture, and is necessarily waste, the duty, of course, presses with increased severity upon that portion of the whole amount which is capable of being used for manufactures. It is estimated, and I believe the estimate to be a reasonable one, that we ought to add one-sixteenth more to the five-sixteenths, in order to calculate the full amount of duty paid upon the whole of the Cotton Wool that is actually manufactured in this country. Six-sixteenths, or three-eighths of a penny per lb. weight may, therefore, be taken as the total amount of duty paid on

cotton wool. Now when the price of cotton wool is 4*d.* a lb. on the average, three-eighths of 1*d.* per pound is a duty of 9 per cent. on the value of the raw material. If the price of cotton wool be, as it has been of late, not more than 3*d.*, a lb. three-eighths of a 1*d.* per pound is a duty amounting to not less than 12½ per cent. on the value of the raw material. This duty so levied falls with peculiar severity on the coarsest description of cotton goods. Upon the finer muslins you can hardly estimate the amount of duty, it is so small; but the coarser the fabric, and the more it is in common wear, the higher is the amount of duty. It is in respect to the manufacture of the coarser fabrics that the manufacturers of the country are exposed to the most formidable competition in South America and China, and even in our own Colonies. Of course, in respect of the manufactured cotton of the United States, we labour already under great disadvantage, from the ready access which the people of that country possess to the raw material; and they are formidable competitors of ours in the manufacture of all the coarser descriptions of cotton goods. Now, we have already repealed the duty on sheep's wool, and so far as experience has gone, we may justly say that the best effects have resulted from that measure. It has given a great stimulus to the manufacture, and, speaking generally, there is now prosperity existing where a short time since there was depression and gloom. But in my judgment the removal of the duty on sheep's wool forms a great and additional ground of claim on the part of the manufacturers for the removal of the duty on cotton wool. I know it will be said that this trade is now in a flourishing condition; but we must not disregard the formidable competition to which it is exposed; we must consider how materially this cotton manufacture has contributed to the strength of the country, how materially it aided in enabling us to go through successfully that great conflict in which we were some thirty years ago engaged, and we must consider the thousands and tens of thousands of persons who are now indebted to it for their occupation and subsistence. Seeing and considering these things—seeing the amount of duty imposed upon the coarser fabrics—seeing the extent of competition to which they are exposed—seeing the importance of this manufacture to the commercial greatness of this country, we are prepared to advise the abolition of the

duty upon cotton wool. The estimated loss to the Revenue by the abolition of the duty on cotton wool—taking as a guide the amount received last year—will not be less than 680,000*l*. In respect, then, to the revenue derived from the Customs' duties, we do not propose to make any further alterations than those to which I have now referred. Sir, we have also closely and carefully reviewed the various duties levied by the Excise, with a view of determining, after taking care that a sufficient amount of revenue shall remain available for the purposes of the nation, what are the duties which appear to us to press most grievously upon the interests, and more especially upon the industrial classes of the country. Now, with respect to the Excise duties, no man can look at them without feeling bound to admit that in reference to each of them a pretty strong *prima facie* case may be made out for its repeal. I do not mean to say which of those duties which we do not mean to touch would be first entitled to relief in future years, because I conceive that nothing is more likely to damp and check manufacturing enterprise than to hold out vague promises as to any one particular article being considered to have claims on the Government for relief above the rest. But what I mean to say is, that looking abstractedly at the various articles that are subject to Excise, and without reference to the Revenue, I think all of them possess claims upon Parliament, and that for every one of them a good *prima facie* case can be made out in favour of having that tax reduced, if not altogether repealed. But there is one source of revenue paid to the Excise which does appear to us to be open to peculiar objections. Nevertheless there has been no clamour raised for the reduction of this duty. I am not quite sure whether or not greater popularity might not have been obtained by proposing a reduction of the duty on some other articles than the one I am about to name; but I am satisfied that it is the duty of the Executive Government to take those articles which, whether there has been any clamour for a reduction of duty on them or not, are articles in respect of which any duty at all is open to the greatest objection. Now, to the particular branch of duty to which I refer. The attention of the Government may not have been called by any clamour out of doors; but I will undertake, before I sit down, to demonstrate that there is no branch of the

Excise more entitled to reduction than that to which I have alluded, and which I am about to mention. I have already said that in respect to this particular article to which I am referring, we have not been subject to any peculiar pressure from without. It is a duty which we have selected, from the conviction, after mature deliberation, that it is one of the most objectionable in point of principle—and the repeal of which will be of great advantage to the public. The duty to which I refer is that duty on the free transfer of property, which is called the Auction Duty. This auction duty is leviable in each part of the United Kingdom. It is a duty which was levied for the first time, with very little consideration, at the commencement of the American war. It is a duty from which other modes of transferring of property are completely exempted. But if you choose to sell your property by auction, in that case a heavy duty is levied. It is therefore a duty which is severely felt by those whom distress compels to resort to that mode of sale. Can there be a greater condemnation of the principle of this duty, when, after you have established it, you have been obliged to grant exemptions from it in no less than thirty-two different cases. Since the Act originally passed, there have been scarcely less than thirty-two different laws passed granting exemption from its operation. When Commissioners were appointed to examine into the Excise duties some years since—after examining the whole of them, they made this remark with respect to auction duties:—"The duty on auctions should be among the first of the taxes to be repealed." Now, observe; all sales which take place under the direction of the Court of Chancery are exempted from the auction duty; and there have been many instances in which estates have been placed even within the jurisdiction of the Court of Chancery, in order that the sale of them might be totally exempted from the auction duty. And what is now the practice with respect to the sales of estates? Every newspaper is full of advertisements for the sale by auction of landed property. The estate is exposed for sale, the value of the property is ascertained, and then it is generally the understanding of the parties that the estate shall be bought in, and the highest bidder shall buy it by private contract. The estate, therefore, is not sold by auction, and the intention of the law is defeated. This is the mode often pursued. The auction is simply a

means of ascertaining the value, but the purchase is made privately the next day, and the payment of the duty is altogether evaded. To give the House an idea of the impolicy of this tax, let me look at the general results. In the year ending the 1st of January, 1841—that is, in the year 1840, the whole amount in value of property exposed to auction, of which the Excise were obliged to take an account, was not less than 45,232,000*l.*, in respect to the whole of which there was the necessity of an examination, and of keeping an account by the officers of Excise, who had exactly the same troublesome duty to perform in respect to property advertised for sale by auction, although it was not sold, as they had in respect to property which was sold. But while the total amount of property subject to be taken an account of by the Excise Office was 45,232,000*l.*, the actual amount on which the duty was paid was only 8,760,000*l.*, consequently there were upwards of 36,000,000*l.* of property exposed to sale which, on account of exemptions and the mode of evading the law, were free from any duty whatever. Are not these two facts—there being thirty-two exemptions from the duty, and there being only 8,000,000*l.* of property on which duty is paid out of 45,000,000*l.* exposed to sale—are not these strong and almost conclusive proofs of the impolicy of this duty? The present Commissioners of Excise reported, three years since, when recommending the repeal of the Auction Duties, that there was more trouble given, and that more intricate questions arose on account of attempts to evade the law, and on questions of exemption in respect to Auction Duties, than on all the other branches of the Excise Revenue. The total amount received for Auction Duties in England, Scotland, and Ireland, is 300,000*l.* There is no duty the remission of which will, in my opinion, lead to such a great reduction of the Excise Staff. There is no duty so objectionable in principle as a duty upon the transfer of property; and the duty, be it remembered, is quite independent of the stamps for conveyances, which apply to all transfers of property. To select one particular mode of transferring property, and to subject that to a duty, is a course open to grave objections; and I do hope that I have satisfied the House, that although there is no external demand for this reduction, and although articles might be selected upon which a reduction would be more popular, yet looking comprehensively at the in-

terests of property, and considering the advantage which is conferred on a great commercial and manufacturing country by facilitating the transfer of property, I do not think you could confer a greater benefit upon the United Kingdom if you selected other duties of the same amount in preference to that which is thus proposed to be reduced to the extent of 300,000*l.* Every auctioneer is under the existing law compelled to take out a license. In the first instance, he takes out a general license of 5*l.*; but if he is afterwards called on to sell any particular article which is not included in that license, there is then a demand made upon him for another license of 5*l.*, and, consequently, there are auctioneers who pay 25*l.* for licenses, because some articles are exposed to sale by auction, where they have to officiate as auctioneers, which are not covered by the general auction license. Now, I propose, instead of the principle of requiring separate licenses, to enable auctioneers to dispose of every description of property by taking out one license. I propose to fix the amount of that license at 15*l.*, thus enabling the auctioneers who take it out to sell every description of property. I think it is highly probable that the number of auctioneers will be increased by the reduction of the duty. The present number of auctioneers is, I think, about 4,000. A license duty of 15*l.* on each will raise a revenue of 60,000*l.* subject, of course, to the reduction of the present auction duty. I do not believe that one general license of 15*l.* would be felt at all as an onerous impost, while I think it probable that the number of auctioneers would increase. We propose, therefore, to repeal the duty upon auctions, and to substitute for the present system of licensing one uniform license, the maximum cost of which will be 15*l.* [Mr. Collett: Will each member of a firm be required to take out a separate license?] It is proposed that each member of a firm shall be required to take out a license. There still remains an article upon which there is an Excise Duty, which we propose to repeal; after what has passed regarding the auction duty, I shall make no preliminary observation, but mention it at once—Glass. It seems to us that glass has special claims to the repeal of the duty. The duty on glass has been doubled since the year 1815, and during that period it has never experienced any diminution. I think I can also show that with respect to glass, without denying the case

that may be made out for other excisable commodities, supposing we had an abundant revenue, there are grounds upon which it may be said to be entitled to a preference of consideration. Let me recite some of the most prominent of those grounds. In the first place, the amount of duty is not less than 200 to 300 per cent. upon the value of the manufactured article. A contract was lately made for the supply of glass, and the charge made for it was 1s. per square foot, and the manufacturer was asked at what price he would undertake to furnish the same quantity of glass if it were duty free; and his answer was, that he could probably supply it at 3d. per square foot, but at any rate it could not possibly exceed 4d. per square foot. In a case of this kind, we must not estimate the weight of the burden by the mere amount of pecuniary interest. There is no duty, which, in order to levy it, requires such a system of perpetual and vexatious interference with the manufacturer as this duty on glass. Compare the export of glass, the manufacture of which is exposed to this perpetual and vexatious interference, with the export of another article which has the good fortune to be exempt from duty. Your export of earthenware last year doubled that of glass, it was to the value of 751,000*l.*; but the export of glass, subject as I have said, to the duty, and to constant, vigilant, and annoying interference with the manufacturer, in order that it may be collected, was only to the extent of 388,000*l.* I am about to state another important fact in regard to glass; there is no excise duty on glass in France, Belgium, or Bohemia; and what has been the consequence? That in Bohemia, in particular, the manufacture, by the application of chemical arts, has been brought to a state of admirable perfection. There, glass, under the application of the most beautiful chemical principles, is exposed at different stages to various degrees of heat, and thereby contracts a diversity of colours that produce the most beautiful effects. We have peculiar facilities for accomplishing the same ends; we command the alkali and the coal, and yet we cannot compete with foreigners in the manufacture of glass. What is the fact? That, as there is no excise duty in Belgium, Bohemia, and France, there is no necessity for interference by the State with the process of manufacture. What takes place? There is a great import of foreign glass into the bonded warehouses

of this country, to be afterwards exported, being liable to no duty, and it is now beating our own manufacture, not only in foreign markets, but even in the markets of our own Colonies. I think I can make out this point without entering into details; for it is most important to observe the progress of gradual encouragement in the export of foreign glass from this country, as compared with glass of our own manufacture. During the last seven quarters there has been a gradual increase in the foreign glass brought into our bonded warehouses, and afterwards exported, as compared with glass the produce of our own domestic manufacture. Is not that a strong fact to exemplify the policy of some new arrangement in this respect? If you permit this article to be free of duty, it is difficult to foresee, in the first place, to what perfection this beautiful fabric may not be brought; and, secondly, it is impossible to say to what new purposes glass, manufactured by our own skill and capital, may not be applied. I hold in my hand the balance-spring of a chronometer, made of glass, instead of the ordinary material, steel. I understand that it possesses a greater degree of elasticity, and that it has a greater power of resisting the alternations of heat and cold. The manufacture is so expensive, and it requires such skill on the part of the workman, that I do not believe, under the present system of restriction, that this exquisite discovery can be generally applied. The fact is that a chronometer, with this glass balance-spring, was sent into the North Sea, at the time when the right hon. Gentleman opposite (Mr. C. Wood) was Secretary to the Admiralty, and was exposed to comparison with ten other chronometers: the result was that the report was in favour of the chronometer with a glass balance-spring as compared to all the others. So much for the application of glass to a purpose of the utmost delicacy and nicety, in close connexion with the progress of astronomical science. I have read too in a French newspaper, the *Courier de l'Europe*, within the last month, that in France they are now manufacturing glass pipes for the conveyance of water, which cost nearly 30 per cent. less than pipes manufactured of iron, and which will bear a greater external pressure than iron pipes. They are luted together with a species of bitumen, and as far as health is concerned for the conveyance of water, glass-pipes are greatly entitled to the pre-

ference. That, be it remarked, is in a country where there is no excise duty upon glass, but where the manufacture of it is entirely free; and taking all the articles between these two extremes, the balance-spring of a chronometer, and the pipe for the conveyance of water, who shall say to what purposes this manufacture may not be applied among us when it is wholly relieved from the impost? It is to be borne in mind also that the cost of collecting the duty on flint glass is not less than 57 per cent. In order to prevent fraud, it is necessary that you should have a series of most minute and troublesome regulations as to the melting of glass: notice must be given to the excise officers respecting annealing and other parts of the process, which so encumber it as to make the application of additional skill and ingenuity almost impossible. What we propose is, to relieve it altogether from this burden, and to place it on the same footing as in Belgium, Bohemia, and France. This course will give full and unrestricted play to capital and enterprise in this country, where we enjoy the peculiar advantage of materials in the command of alkali and coal. My belief is, that with this change, if we do not supply almost the whole world with glass, we shall, at least, be able to enter into competition with other nations, who have hitherto had the benefit of that supply. There are many other arguments that might be used upon this point, but by what I have said, I do think I have shown that so far as the manufacture of glass is concerned, in comparison to other manufactures, there are peculiar reasons why the duty on glass should be repealed. A case has been got up in favour of the remission of the window duty; but let us just take the case of glass, to see what a much more beneficial effect upon the laborious portion of the community will be produced by the reduction of the duty on glass, than by the repeal of the window-tax. It is estimated that there are in Great Britain about 3,500,000 houses, of which not more than 500,000 are chargeable with the window-tax; therefore there are 3,000,000 of houses which require glass for the comfort of the inhabitants; and if the House sanctions the removal of the duty upon glass you will thereby confer on the poorer classes a most extensive benefit. I am afraid that I weary hon. Members by these particulars, but we have had occasion with the greatest care to look at every side of the question, and I wish to

satisfy those who think that other taxes have just claims to our attention, that no desire of popularity, but good and substantial causes, have induced us to give a preference to the reduction of the duty on glass. See how it will affect social improvement. Let us take the arts—what an advance has been made in the art of engraving; reduce the price of plate glass, and you may be said to offer a premium upon still further improvements in the art of engraving. Look next at the consideration of health; nothing prevents the passage of heat so much as glass; the passage of heat into a room, through glass, is as ten to one less than through any other material; but if you interpose between two plates of glass a certain layer of air, you prevent that passage; therefore, for the purpose of health you facilitate the application of double windows, by which the influx or efflux of cold or heat is impeded, and health and comfort promoted. This may be viewed in some respects as a minor consideration, but at all events it is not immaterial. Give me leave to add, that the Land Commissioners of Ireland have lately made a Report, which I received, in fact, the day before yesterday, and they could not have had the slightest conception of what might be the intentions of Her Majesty's Ministers in this respect; but in their Report it is said that there could be few measures which would contribute more to the comfort and improvement of the lower classes in Ireland than to be able to procure glass at a cheap rate. That observation comes from persons who have had their attention particularly directed to the condition of the lower orders in Ireland; and it is a singular confirmation of what I have advanced on the reduction of the duty on glass. The glass manufacture exists in Ireland and Scotland, as well as in this part of the United Kingdom, so that Ireland will derive a direct benefit from the abolition of this duty; and I do not see why she should not in future be the seat of a most extensive and successful glass manufacture. Even if she be not, the extinction of a duty which is 2 or 300 per cent. more than the value of the article, will give to the people of Ireland, as to the people of Great Britain, the command of a commodity which is essential to comfort and convenience. Looking at it, therefore, in every point of view—whether it be the amount of the duty, which is 2 or 300 per cent. above the value of the article—whether it be the annoying and trouble-

some restrictions by which levying it is necessarily attended—the numberless purposes to which it may be applied, or the direct addition to the comfort of the working classes of the community, I do hope that this House will acquiesce in the recommendation of Her Majesty's Government, and will select glass as one of the articles in respect to which the present Excise duty ought to be entirely removed. The loss to the Revenue from the entire abolition of the duty on glass will amount to 642,000*l*. I have now exhausted the articles in respect to which Ministers intend to propose a remission of duties, and I will here venture to recall the recollection of the House to the estimate I made of the amount of the Revenue, on the assumption that the Income Tax would be continued. I will also state the immediate effect the reductions will have in lessening the surplus in our hands. I estimated the surplus, in case the Income Tax should be continued, which would be available on the 6th of April, 1846, at 3,409,000*l*.; and I will now recapitulate the reductions of the Revenue which will arise from the repeal of the different duties I have enumerated. I mentioned them specifically as I went on; but I will now state the aggregate amount of diminution. I estimated the loss upon sugar at 1,300,000*l*., the loss upon coal at 118,000*l*. The loss upon minor articles of import, the raw material of manufacture, I stated at 320,000*l*.; the loss upon cotton wool I calculate will be 680,000*l*.; upon auctions it will be 250,000*l*.; because I reckon upon some receipt for licenses, which will make up some part of the loss. The loss by the abolition of the duty on glass will be 640,000*l*.; the loss upon staves is included in the 320,000*l*. of loss on articles of import. Thus the total loss to the Revenue, supposing the House to sanction the course I have recommended would be 3,338,000*l*., very nearly absorbing the actual surplus of 3,409,000*l*. I have stated already, that in proposing the continuance of the Income Tax, I do not propose it for the purpose of having a large surplus revenue; for I should think it right, after defraying the necessary expenses, to appropriate it to the removal of taxes which, in my opinion, are the most oppressive. The House will observe that I have taken no credit for the ultimate saving there will be in the reduction of the public establishments. The diminution of clerks will afford a material saving. And I have, be-

sides, taken no credit for that increase to the Revenue which will arise from the removal of heavy restrictions upon manufactures, equally onerous to the amount of the duties. I do not hesitate to state that the experiment I propose to make is a bold measure; I do not hesitate to state that: but, looking at the result of past experiments—looking at what is now the state of the Customs' revenue, after the reductions we have made—seeing that the Customs' revenue, on the 5th January, 1845, presents a surplus, as compared with the preceding year, of not less than 1,305,000*l*., after deducting the loss of 122,000*l*. which arose upon cotton wool last year, and 61,000*l*. upon sheep's wool—seeing, I say, that the Customs have increased, notwithstanding these losses, to the extent of 1,305,000*l*.—I am not afraid, although I am responsible for the financial condition of the empire, to make this great experiment on the Revenue. I propose that the Income Tax should be continued for a further limited period, because I have the most confident persuasion that the reduction in the prices of articles of great importance which will follow and arise out of the repeal of taxation will be, if not a complete, at least a material compensation for the burden of the Income Tax. When I recommend the imposition of the Income Tax, independently of other objections, I was told, "You will be disappointed in your receipts; the amount paid under the Income Tax will operate unfavourably on other branches of the Revenue, and you must expect a diminution in this way nearly equivalent to the gain under the Income Tax—at any rate you must look for a diminished consumption, and the revenue that you will receive with one hand you must distribute with the other." This is the warning I received. Now, what is the fact? There has been no reduction traceable to the Income Tax. There has, indeed, been some small reduction of 40,000*l*. or 50,000*l*. in the duty on carriages and horses, but that reduction is to be attributed to the progress of railway conveyance; and it is only extraordinary that it has not been greater. But if you exclude the operation of this cause of diminution, my belief is that the receipt of the assessed taxes during the operation of the Income Tax has been larger than it was before. I say, therefore, that it cannot be apprehended from the experience of the Income Tax that it must necessarily reduce the revenue from the

assessed taxes, because under the Income Tax that revenue from the assessed taxes has materially increased. Remember this—and I do not conceal the fact, for it ought to enter into your consideration when deciding the question, whether you will continue the Income Tax—that during its operation the Revenue has so prospered that the receipts at present, independently of the Income Tax, are almost equal to the national expenditure. Such has been the increase of revenue from permanent sources of income during the existence of the Income Tax, that we might have avoided making this experiment; we might have provided for the supplies of the present year without making any application to Parliament in respect to increased taxation; but we propose to continue the Income Tax for a further period, not for the purpose of providing the Supplies for the year, but distinctly for the purpose of enabling us to make this great experiment of reducing other taxes. The term for which I suggest the continuance of it will not exceed that for which it was originally imposed. I cannot say, when urging these extensive reductions—I will not say that it might not have been a wiser course to give a longer period to test the efficacy of the plan; but at the same time it is natural that Parliament should ask to have the control of the tax at a period not more remote than that for which it was in the first instance enacted. Therefore I do not propose that it should be renewed for more than three years, and I hope the House will not insist upon a shorter period. It would be impossible to enter upon these extensive reductions of taxation, unless we had the assurance that this great source of revenue would not be dried up at least during the next three years; and at the expiration of three years it is my confident belief that that will have again occurred which has now occurred, and that it will be competent to Parliament then to dispense, as it might now, with the Income Tax. I have that reliance upon the elasticity of the resources of this Empire, that I do expect, before the termination of three years, that this repeal of taxes will have produced beneficial effects, and that we shall find an increase of revenue probably enabling us to dispense with the continuance of the Income Tax. But let the House remember that the principle on which we have gone, and gone advisedly, is the absolute repeal of taxation

in many cases; we do not diminish a tax, on glass for instance, keeping on one-quarter or one-half of it; we do not lower the duty on auctions, on cotton wool, or on articles of smaller imputation: but we propose the absolute repeal, expecting from the increased consumption of other taxed articles, an equivalent improvement in the Revenue. We do hope that the direct and instant effect will be increased consumption of many articles now subject to duty, invigorating the industry and extending the commercial enterprise of the country through other channels, and supplying the void we cannot hope to fill up by direct taxation. Sir, I believe I have now executed the task I proposed to myself. I have, however imperfectly, explained the views and intentions of Her Majesty's Government with respect to the financial and commercial policy of the country. I trust that the House will now, as it did on the former occasion, without pronouncing a hasty or a precipitate judgment, take into its consideration comprehensively the whole of the plan. I hope it will reflect, whether or no, upon the whole, it be for the interest of the country to adopt it; and, after mature deliberation, I confidently believe that the decision of the House will be in its favour. Whatever may be the decision, at any rate, we have the consolation of knowing that we have not sought popularity by avoiding the question of continuing the Property Tax: we have not acted in deference to popular clamour, for we have selected taxes for reduction and abolition against which there has been no agitation. I know it will be said that the principles I have laid down are capable of much further extension, and that in deference to them I ought to have made much greater reductions in Import Duties; but it is our object, while we establish good principles, to allow for the present state of society, and viewing the magnitude of the interests involved, the consequence to those interests of rash and hasty interference, it is our desire to realise the utmost degree of good, without disturbance or alarm to interests which cannot be disturbed or alarmed without paralysing industry. Sir, I submit, this proposal on behalf of Her Majesty's Government to the judgment of the House. We have taken this course after careful consideration, and we recommend this plan from a deliberate conviction that if sanctioned by Parliament it will conduce to the extension of industry, to the encouragement of enterprise, and that

the result of that extension of industry and encouragement of enterprise will be the benefit of all classes of the community, whether they are directly or indirectly connected with commerce, manufactures, or agriculture. Our conviction is, that by the adoption of this proposal, industry and commerce will be immediately benefited, and that indirectly all classes of this vast community will find its welfare promoted.

The right hon. Baronet concluded by moving,

“That it is the opinion of this Committee, that, towards raising the Supply granted to Her Majesty, the respective Duties on Property, Professions, Trades, and Offices, and the Stamp Duties in Ireland, granted by two several Acts passed in the fifth year of Her present Majesty, be continued and further granted to Her Majesty for a time to be limited.”

After the Chairman had put the question,

Sir Robert Peel again rose, and said that he wished the Chairman to report progress, and did not mean to ask the House to come to a vote to-night. He trusted, however, that hon. Members would see the great importance, for the sake of many branches of trade and commerce, to proceed at once to the consideration of the repeal of taxation. Delay would materially affect many branches of industry, and he hoped therefore that the House would be prepared on Monday to pronounce an opinion, not on the details, but upon the general outline of the plan. This course would not preclude the House from discussing and deciding upon the various parts of the proposal hereafter.

Lord John Russell : I am glad that the right hon. Baronet has attended to the request I made on a former day, that he would not call upon the House at once to vote upon this question. It is due to the importance of the subject, that Members should not be required to pronounce an immediate opinion. When the right hon. Baronet urges that various interests may be injured by delay, I may remark for myself, that I will not ask for a day's postponement beyond the period he has himself fixed. I shall be ready to proceed with the debate on Monday next. The right hon. Baronet must expect, however, that I shall then take a view of the whole proposal, and not merely of the special subject immediately under consideration in the Resolution proposed. I say this, because with reference to the Sugar Duties,

the right hon. Gentleman said, that the question could be discussed when those duties at the proper season came before the House ; but I consider his proposal as to sugar the most important part of his plan, and liable to much objection. I shall, therefore, not refrain on Monday from making observations upon that subject as part of the whole scheme. At the same time, I readily agree not to defer the debate beyond Monday next. I shall then be prepared to offer my opinion.

Mr. Collett asked at what period it was intended that the changes should come into operation ?

Sir R. Peel meant the duties to be repealed on the earliest possible day, with the exception of glass : there were reasons why the repeal of that duty should be postponed for two or three months. He wished the repeal of the cotton duties to be immediate, and he might say the same of the duties on articles of import.

Mr. W. Williams wished to know whether the right hon. Baronet meant to make any allowance for stocks on hand ?

Sir R. Peel did not.

Mr. Liddell could not help taking the earliest opportunity of thanking the right hon. Baronet for the abolition of the duty on glass and upon the export of coal. He should not, however, have presumed to occupy the attention of the House for one moment, if it had not been for an observation which had fallen from the right hon. Baronet as to the combination in the coal trade, and which was received with considerable sensation in that House. He must admit, that, although much evidence had been given, on various occasions, upon this subject, by most competent parties, before Committees of that House, a variety of misrepresentations still appeared to remain. He should dispose of the subject in one single sentence, which was, that he wished those misrepresentations to be entirely cleared away ; and he could only state that, if any hon. Member thought proper to move for a Select Committee to inquire into the subject of the alleged combination of the coal trade, he should be happy to support such a proposition.

Viscount Howick said, that he entirely agreed with his hon. Friend who had just sat down, in thanking the Government for the abolition of the duty on the export of coals ; and he could not help expressing a hope that his hon. Friend was

now convinced that it was not quite so bad a move as he thought it was last year and the year before, to bring this subject under the consideration of the House, because, though he might be mistaken, he could not help attributing some effect, in accomplishing the present abolition, to that movement which the hon. Gentleman thought to be so erroneous. His conviction was, that if the coalowners had thought fit to sit quietly down under this tax, until the Government had felt inclined to repeal it, the year 1845 would not have been distinguished by the repeal of the export duty upon coal. Fortunately, the case of the coalowners was not in the hands of his hon. Friend. He believed they were indebted to the noble Lord the Member for South Durham, for bringing the subject before the House. Although his hon. Friend was a supporter of the right hon. Baronet, it so happened that on the subject which he had adverted to, he (Lord Howick) agreed with the right hon. Baronet, and not with the right hon. Gentleman behind the right hon. Baronet; because, although he represented Sunderland, he disapproved of the regulation of the Vend, which the coalowners, most injudiciously for themselves, had thought fit to establish. If the hon. Member moved for a Committee, he thought it could be distinctly proved that that system had not done any good to the owner or consumer: it could be proved that the regulation which he had alluded to, like all other plans, contrary to the first principles of fair and open trade, had been most injurious to the parties to the combination. He believed the combination of masters was certainly not less injurious to themselves in the end than the combination of workmen had been to workmen, and which he knew last year had produced extreme suffering among the labourers in the collieries. He would repeat that, in his conviction, the regulation of the Vend within the last few years had been attended with the worst results to the coalowners. Having said thus much, he would adhere to the general sense of the House, by avoiding the expression of any opinion upon the Budget of the right hon. Baronet, excepting on one point, upon which he entertained so strong an opinion that he could not, at that first moment, refrain from stating it; that was his inurmountable objection to the arrangement which the right hon. Baronet

had proposed as to sugar. He believed it was a gratuitous sacrifice of revenue; he believed the right hon. Baronet might have given them the whole benefit of the reduction of duties which he had proposed, and might at the same time have guarded the Revenue against any serious loss, had he only consented to act with regard to sugar, as he had so properly done with regard to coals. His last course had been proved to be wrong—the confining the reduction of duty to foreign sugar, the produce of free labour, had practically failed; and he hoped the people of this country would reflect that they were now going to pay for maintaining this distinction, in order that the Government might preserve its consistency, and that consistency had compelled the Ministers to exclude from the list of their reductions several other taxes which might otherwise have been included in it. In addition to the excise duty upon glass and auctions, they knew that the duty upon bricks and soap as well as other articles had been greatly complained of: and some of those duties might have been reduced without affecting the Revenue, had not the right hon. Baronet thought fit to make this unfortunate distinction—a distinction which, as he was reminded by an hon. Friend behind him, they had not even the advantage of being able to maintain, for they had heard that the sugar which had come in under the Bill of last year was not the produce of free labour. He did not intend to have said so much upon this point at that time—he merely rose to enter his protest against that part of the measure which he believed to be most mischievous and impolitic.

Mr. *Bell* thanked the right hon. Baronet for the abolition of the duty on the export of coal. He would remind the right hon. Baronet, in reply to his statement about the combination of coal-owners, that since the year 1840 the import of coals into the port of London had increased from 1,600,000 tons to 2,600,000, and that the price had fallen from 29s. to 20s. a ton. He would merely add that the reason why the coals bought by foreigners were purchased at so low a rate was, that they generally bought coals of an inferior quality.

Mr. *Hume* entirely agreed with the sentiments expressed by the noble Lord the Member for Sunderland as to the combination between the coal-owners. Having been the Chairman of the Committee upon

the coal trade, he could not help saying that it appeared to him most impertinent on the part of the coal-owners to stand up, prepared with chapter and verse, to prove that they were pure and innocent parties, whilst they had been throwing so heavy a burden upon the inhabitants of the metropolis. The first part of the right hon. Baronet's speech required great consideration; but as to the principles which he had laid down, and the articles he had selected for the repeal and reduction of duty, he would at once express his approval of the sentiments and the course adopted by the right hon. Baronet, excepting only the subject of sugar. Common sense and prudence dictated to the right hon. Baronet the necessity of discussing the sugar question by itself. With the exception which he had just before alluded to, he thought the right hon. Baronet had made an excellent selection. He joined him in stating that the repeal of the duty upon glass would be of more benefit to the community at large than the repeal of the window duty would have been. The abolition of the duty upon glass, would, in fact, afford an equivalent to the 500,000 persons who had to pay the Window Duty. He hoped, ere long, the right hon. Baronet would be able to remove the Excise Duties altogether from the Statute Book, except the Malt Tax and Spirit Duties, which might easily be transferred to the other Revenue Department. Whatever they might do beside to afford relief to the people, the healthy increase of commerce would more effectually than all their efforts secure the national prosperity and happiness.

Mr. Turner hoped that some alteration would be made in the duty upon foreign copper ore during the Session.

Lord Clements commended the reduction of duty upon staves, and hoped there would be some further reduction of the duty on timber.

Mr. Hodgson Hinde expressed his approval of the general principles which the right hon. Baronet had laid down; he wished, however, to draw the right hon. Baronet's attention to the fact, that the stocks in hand of the various articles, the duty upon which would be affected by the Budget, would be depreciated to a considerable extent by the proposed alterations, and he thought the right hon. Baronet should allow a drawback of the duty upon them.

Sir R. Peel said, that he did not propose to allow drawbacks upon any article; the duty upon glass, however, would not be remitted immediately.

Dr. Bowring wished the Property Tax could be made a permanent tax. He had heard, with regret, the intention of the Government to augment the Naval Force, which, he presumed, might be attributed to a similar step having been taken by a neighbouring Power, the increase of whose navy must be looked at with anxiety by foreign countries.

Colonel Sibthorp knew it was totally impossible to please all parties. He regretted that the right hon. Baronet had not proposed among his reductions one—a reduction of the duty on Fire Insurances. The hardship of this tax was, that it interfered with insurances entered into from prudential considerations, which ought rather to be encouraged. There was another point on which he ventured to call the attention of the right hon. Baronet; it was regarding the Post Horse Duties. When they looked at the increased difficulties of postmasters from railway competition, and at the immense sums paid in duty by poor coach proprietors, he thought that some equivalent tax ought to be put on the railway system, which had ruined so many coach masters. He also regretted that there had been no remission of the Income Tax to farmers.

Mr. Roebuck, while he expressed his hearty concurrence in the great principles laid down by the right hon. Baronet, and gave him the full credit to which he was entitled for the choice of the particular objects which he had made for relaxation from taxation; and, believing, also, that in his choice he had been directed entirely by considerations of the public good, and had not been merely influenced by the powers that be, yet there was one great error in the principle of the Budget which the right hon. Baronet had brought forward. It was this: while he imposed certain obligations and imposts on the community, he took off, on the other hand, an exact equivalent; therefore the object was this, that from those imposts he took off he supposed great mischiefs arose to the community; and it was therefore the right hon. Baronet's duty clearly to make out that in the impost he fixed on the community he did not impose one equally unjust. Now, the source of the extra revenue was the Income Tax—a shifting phrase. He remarked that the right hon. Baronet had sometimes used

the phrase, "Income Tax," and had sometimes called it the "Property Tax." For his present purpose, he would call it the "Income Tax;" and he considered that the mischief which it did was one of the great drawbacks on the benefits which the right hon. Baronet was about to confer. He thought all the benefits might have been conferred without the mischief. He would have made a distinction between fluctuating income—income (he would state it at once) derived from professional exertions, as compared with income derived from landed property. There was no comparison between them. By drawing a distinction between these two sources of revenue—an Income Tax and a Property Tax, the right hon. Baronet might, had he wished it, have had the whole of the surplus revenue by increasing the Property Tax, which would give the surplus demanded, and on the other hand have taken off those taxes, and relieved the people of the mischiefs, from which he would undoubtedly relieve them by the proposals he had made. From the very boldness of the measures, he regretted that the right hon. Baronet had not gone one step further. If they were to go on every year changing, they would have the mischiefs of change without the benefits. But, for this one grand advance, the greatest he had seen in his political experience, he heartily thanked the right hon. Baronet; he praised the right hon. Baronet for the good he had done, pointing out to him, at the same time, one source of mischief which might have been obliterated.

Mr. *Wakley* was not disposed to complain. He could not say one word at present in condemnation of the Income or Property Tax, or with reference to the Sugar Duties. Representing more than a quarter of a million of people, he could not refrain from expressing his extreme satisfaction at the character of every proposal the right hon. Baronet had made. It was true, the labouring classes were not represented in that House; but he was bound to say, in honour of the Prime Minister, that they were not forgotten in his Budget. Almost every proposal the right hon. Baronet had submitted to the House had a direct tendency to improve their condition—to give them more value for their labour—to promote industry, and by doing that he rendered to them and to the nation at large the greatest possible service which could be rendered by any Government. He was too much pleased by the proposals of the right hon. Baronet to say one word

in condemnation of any portion of his proposals. The subjects of the Sugar Duties and the Income Tax would come before the House on other occasions; and he could not refrain from expressing how grateful he felt to the right hon. Baronet for what he had done for the working-classes of this country. On the part of the hon. Member for Truro, he wished to ask, did he understand the right hon. Baronet to say, that ores of tin would come in free, but that there would be no alteration on the duties of tin itself?

Sir *R. Inglis* hoped that the alteration in the plan of the Income Tax which he had formerly advocated, might be adopted, namely, that its operation might commence only on incomes which exceed 150*l.*; that was, that persons having 200*l.* a-year should pay the Income Tax only on the 50*l.* over and above the 150*l.* This change would relieve those who most required relief. He concurred with the hon. and learned Member for Bath, that it was highly expedient to exempt from taxation altogether those incomes which were not permanent, but which depended on the life or health of individuals, or on the state of the market. A man holding an office had to pay the same tax from the income arising from that office as if it arose from the solid land. He had to pay the same tax, in proportion, as the Dukes of Northumberland and Devonshire. If his right hon. Friend proposed, without any restriction or alteration, the mere renewal of his Bill establishing the Income Tax, he could not give him unqualified support. He trusted he might not be too late now with this suggestion. In bringing forward his proposal, the right hon. Baronet was not committed to anything; and he hoped he was not asking too much if he asked the right hon. Baronet to give this suggestion his deep and serious consideration. The suggestions he now made were suggestions of principle on a subject as yet not before the House; and as the right hon. Baronet had not stated that he meant to reproduce the Income Tax in its present form, he (Sir *R. Inglis*) trusted he was not too late in making this suggestion.

Lord *Duncan* regretted that the right hon. Baronet had contrasted the window tax with the duties on glass. He thought the window tax had claims quite as great for abolition as the auction duty, on the ground of particular exemptions.

Mr. *Curteis* thought it would be taking the country by surprise, if the right hon.

Baronet's proposals were discussed on Monday. They ought to have a longer time to ascertain whether the country were with him or against him. If the country were with him, they would give him the advantage of it. He thought the country would be against him. But, at all events, he entered his humble protest against thus taking the country by surprise. There was only one post-day before they were to come to the vote to learn whether the country coincided with the measures of the right hon. Baronet or not. He had only to say, that having acted as a Commissioner of the Property Tax, nothing should ever induce him to support that tax, and if any ten men would walk out of the House with him in opposition to it, he would be one. Having been, as he had said, a Commissioner under the Act, he had seen so much of the working of it, that he had avowed he would oppose the renewal of it, and if he had an opportunity of doing so on Monday, and any ten men would join him, he would vote for its repeal. The right hon. Baronet ought to remember that he was well supported formerly by the Opposition side of the House, when he had not so much support from among Gentlemen on his own side; and that he (Mr. Curteis) wished the agricultural Members on that side of the House to consider before Monday whether it would not be better for the agricultural interests to do away with the Income Tax than many of those taxes of which the right hon. Baronet proposed the abolition.

Mr. Ward agreed with the hon. Member for Rye that this Budget would take the country by surprise, as few would expect such a large and comprehensive measure of finance to be brought forward as that which had been introduced that night by the right hon. Baronet. He did not intend to attempt to add to the eulogy which had been passed on the statement of the right hon. Baronet; but he felt bound to state that he rejoiced that measures founded on such sound principles of policy were to be brought forward; and that the Government had taken such a sound view of the best interests of the country, and proposed to lay the seeds of a most extended prosperity. Therefore, when the measures were criticised on that side of the House, he could bear his testimony to their excellence. Of course, as regarded the Sugar Duties, there would be a difference of opinion; and he hoped that if such a measure on this subject as was stated by the right hon. Baronet should be pressed, that

it would not pass without the most earnest protest, founded, as he believed it to be, on the most erroneous principles. But taking the whole statement, even with the Property Tax, it was deserving of high credit. If, as the hon. and learned Member for Bath had observed, they made the Property Tax permanent, they must remodel many parts of, and reconstruct all, the Schedules on new bases. The measures, however, which had now been brought forward, contained the most important relaxations as regarded the Revenue, and would operate as the most important springs on the commercial interests of this country. He would only repeat that the measures would confer the greatest benefit on the country.

Mr. Aglionby did not anticipate that the country would be taken by surprise at the proposal to renew the Property Tax, after the notices which had already been given on the subject. But even if the Property Tax was to be continued, much had been done to relieve the productive industry of the country in other respects. If the Property Tax was modified, much objection to its continuance would be removed. It would lead to further advance in the course taken by the right hon. Baronet that night. He conceived that the present Budget was the greatest boon to the country that had been proposed since he had had a seat in that House, and it would confer greater benefits on the labouring classes than any that had taken place for years. He wished, however, on that occasion, to point out a matter with respect to which he had heard great complaints. He could not speak from practical knowledge of the subject, but he was assured that the present arrangement was productive of great hardship. He alluded to the duties on tea. He understood that there was an uniform tax on all teas; and that the same duty was levied on the low-priced teas drank by the poorer classes, and on the teas of high qualities consumed by the higher classes. He did not know whether he was right in the view which he had taken of this point, but it had been mentioned to him as a great hardship. As he believed that the plan and object of the hon. Gentleman was to confer the greatest possible benefit on the poorer classes of this country, he was sure that if the right hon. Gentleman found the duties on tea press so unequally and heavily on those classes, that he would take into his consideration the propriety of reducing the duty on teas of lower quality. He should be glad to hear

the opinion of the right hon. Gentleman on the subject.

Sir *R. Peel* was sure that, on reflection, the hon. Gentleman would be satisfied that great inconvenience would arise from a person in his situation expressing an opinion with respect to a tax with which he did not intend to deal, on an occasion like the present, as it must derange all commercial transactions connected with the article in question. He was satisfied that the safest course, if he did not wish to impede commercial enterprise, was not to say anything on the subject. He must also observe, that he could not conceive how the hon. Member for Rye, or the country, could be taken by surprise by the discussion on the proposed renewal of the Income Tax coming on on Monday. The hon. Member, on the second reading of the Bill, would if he chose, be able to oppose it, and take the sense of the House on the principle of the measure, as well as on Monday next. There would be ample opportunities for those who disapproved of the plan of the Government to express their opinions. As for the country being taken by surprise, surely the hon. Member must have seen, from the expressions in the Queen's Speech, that the inference must be drawn that it was the intention of the Government to propose the renewal of the Property Tax.

Mr. *Roebuck* observed, that the hon. Member for Sheffield had stated that if the Property Tax was to be permanent, it ought to be remodelled. His hon. Friend should now look upon it as a permanent tax, as he might depend upon it that, for the rest of his life, he would not see it taken off.

Lord *John Russell* wished to have some explanation from the right hon. Baronet as to the suggestion made by his hon. Friend the Member for the University of Oxford. As the right hon. Baronet did not say that he meant in any way to modify the Income Tax, he presumed it was to be inferred that it was to be proposed as it now was.

Sir *Robert Peel* replied, that he intended to propose the simple renewal of the Tax as it stood. He thought there was a very essential difference between proposing to enact this Tax permanently, and only for a particular period. He believed, that if it were renewed for three years, that no man at the end of that period who paid it would find that he had sustained any loss, in consequence of the reductions that would take place in other respects. He would not enter into a discussion as to distinc-

tions that should be drawn in respect to paying this tax on permanent or temporary interests; but he was satisfied that if any attempt were made to draw any such distinctions, the matter would be found to be surrounded with the greatest, if not insuperable difficulties. Take for instance, the possession of landed property. Would you make a difference in the amount of the tax between a man having a life interest, and another man having a permanent interest? If an attempt was commenced to draw a distinction between the interest of a half-pay officer or a clergyman, and a person having a permanent interest, they would be involved in endless difficulties.

Mr. *C. Buller* remarked that there was a great difference between an income derived from property, and a professional income—the latter was not either a permanent or a life interest, but a fluctuating interest. The distinction, therefore, which the right hon. Baronet alluded to between a life and a permanent interest was a very different thing from the gains of a profession. He was not going to follow the example of several hon. Members near him, and praise the Budget as they had done. He confessed that he did not see so much to admire, as he believed that the keeping on the Income Tax did away with much of the benefit which otherwise might have been derived from it. He thought that the country should understand and consider what was the purport of the Budget. The right hon. Baronet proposed that the Property Tax should be granted for three or five years—for there was some doubt as to his phraseology—as he did when he proposed the present Income Tax. He then made a promise that such would be the reduction in the cost of articles of consumption under his new Tariff, that no one would feel the Income Tax; but the experience of the country did not warrant the repetition of such a promise. But whatever were the merits of other parts of the Budget, it completely put an end to all question as to the removal of the Income Tax at the end of three years. The right hon. Baronet, in his present Budget, proposed permanently to get rid of the whole of the surplus revenue; as he did not reduce or modify, but intended to get rid altogether of most of the taxes he had dealt with. Certainly there was an exception with regard to the Sugar Duties; but every other tax the right hon. Gentleman meddled with, he proposed entirely to sweep off. The right hon. Gentleman, there-

fore, could not expect to bring the Revenue round by means of his present Budget, for the only effect he could look to was that which regarded the general trade of the country. After the experience they had had of former Budgets, it was idle to expect that they could make up millions of revenue in that space of time from that source. On this ground he could safely state to the country, that the present was not the renewal of the Income Tax for three years, but it was in point of fact the permanent imposition of that tax. Regarding it then as a permanent tax, they should look the difficulties in the face, and see whether it could not be made a just and honourable tax, and not adopt it in the rough and ready manner which they did with respect to the present Income Tax.

Mr. Warburton remarked that the objection of his hon. and learned Friend to the present proposal with respect to the Income Tax, was, that it would render it a permanent tax. Now, he considered the rendering such a tax a permanent tax, divested it of most of its objections. He was quite satisfied that if the tax were made permanent, and if hon. Members would calmly enter into an examination of the subject, they would see that the whole inequality of its operation arose from its being only temporary. A temporary tax had every characteristic of inequality, but when it was made a permanent tax, it was divested of all inequality. He knew that this was an unpopular doctrine to hold, therefore it was difficult to get parties to listen calmly to the subject, or to investigate the principles to which he adverted. With respect to the Budget, with the exception of the part connected with the sugar duties, where the whole advantage of the reduction would be given to the sugar growers instead of the country at large, all parts of it were most excellent, and deserved the greatest praise. He saw, however, that the reduction of the duty on sugar would open the eyes of the people to the evils of protection, and he hoped at no distant period to see the sugar tax put on a right footing.

Lord John Manners said, that as he understood the principle on which the right hon. Baronet proceeded, it was that taxes should be levied as far as possible on those able to pay them, and that taxes should be removed from those least able to bear them. He fully agreed in this principle, and he trusted that it would be success-

fully carried out. It would be presumption in him to give an opinion as to taxes which should be removed. He was sure that those which it was proposed to remove had been selected with the greatest care, and he had no doubt also with the greatest wisdom. He thought, from the countenances of some hon. Members near him, that some disappointment was felt that no tax was to be removed which pressed on the agricultural interest, and he hoped hon. Gentlemen would not now feel greatly disappointed, but would look forward to some future occasion with this view.

Mr. Stafford O'Brien rose merely for the purpose of saying that he was not aware of manifesting any of that feeling of disappointment to which the noble Lord had alluded. The object of the praises of the Budget by hon. Gentlemen opposite seemed to be, to scare the interest to which he belonged, and to set it against the Government of the right hon. Baronet. He did not intend to give any opinion as to the operation of the proposed reductions, but he did not believe that the right hon. Baronet intended to exclude the agricultural interest from a share in the benefits which would result from the reduction of the sugar duties and the removal of the glass and auction duties.

The House resumed.

Committee to sit again on Monday.

[THE NAVAL ESTIMATES.] Sir Charles Napier wished to know whether the proposed increased amount to be voted in the Navy Estimates, was to be devoted entirely to steam ships. He would put it to the right hon. Baronet, that before he expended any money for this purpose, he should institute a full and proper inquiry into the present state of our Steam Navy. If this was not done, he should feel it to be his duty to oppose any such increased expenditure, as it would be only throwing money away.

Sir R. Peel stated, that the addition to the Naval Estimates for that branch of the public service, and the ordnance connected with it, would be about 960,000*l.*; but he did not specify that it was for any particular class. The additional number of men would be 4,000, and there would also be a charge for the basins for steam vessels at Portsmouth and Devonport. Of course for any new ships it would be necessary to take care that they were built on the best principle.

Sir C. Napier was sure that the right hon. Baronet was as anxious as he was himself that this country should have as effective a steam force as possible. All that he asked was to have an investigation as to the present Steam Ships in the Navy, so that they might see whether they had or had not been proceeding on right and sound principles. It was not from any political motive that he pressed this on the Government, but he considered it was absolute folly to throw hundreds of thousands of pounds away in building ships which were useless. He conceived that he was justified from his past experience to press the matter on the attention of the Government; and all that he asked was, that a Commission of competent persons should be appointed before they made a further expenditure, to see whether they were going on the right or the wrong road.

House adjourned at ten minutes past nine.

HOUSE OF LORDS,

Monday, February 17, 1845.

MINUTES.] *BILLS. Public.*—1st. Service of Summons (Scotland).

PETITIONS PRESENTED. By the Earl of Stradbroke, from Physicians and others, of the County of Suffolk, against throwing over the Practice of Medicine to unqualified persons.—From Hailsham and Pevensey Petty Sessions Districts, for Protection to Agriculture.

RAILWAY REPORTS.] Lord Brougham wished to ask his noble Friend the President of the Board of Trade, whether there was any objection to the Return which he had moved for, relative to the South-Eastern Railway and the Kentish Railway, being laid on the Table?

The Earl of Dalhousie said there could be no objection to lay any Returns on the Table that it was in the power of the Government consistently to furnish. He had not the slightest objection to lay on the Table a Return of the date of Captain O'Brien's appointment as a Member of the Committee of the Board of Trade. But with respect to the date of the appointment of Mr. W. O'Brien to the management of the South-Eastern Company, and the number of shares held by him, he could give no return, for he had no control over the Company.

Lord Brougham was aware of that, but he thought that the kindness which the Board of Trade had shown to the South-Eastern Railway Company might have excited the courtesy of that Company, and induced it to furnish the Government with

the requisite information. However, he (Lord Brougham) had found that the information given to him on Friday last was perfectly correct. It appeared that Mr. W. O'Brien purchased 204 shares in South Eastern Railway stock on the 17th of December, and that, by the rule of the Share Stock Exchange, when a person had made a bargain with a broker for a purchase of stock, and the broker could not furnish the whole he had undertaken to provide, an advertisement was immediately placarded of the number of shares required, and the name of the purchaser. In consequence of this rule, the name of Mr. W. O'Brien was published as the purchaser of 204 shares, in order that the balance might be made up by any body who chose to complete the bargain. Under these circumstances, the name of Mr. W. O'Brien had been published; but the instant his name appeared as a purchaser, the value of the shares mounted up. Mr. O'Brien's name had a talismanic effect; but if he (Lord Brougham), or any other noble Lord—except his noble Friend the President of the Board of Trade—not that he meant to say his noble Friend had ever dreamt of anything of the kind—had purchased South-Eastern Railway shares, there would have been no sensible increase in their value, no such change would have taken place. He (Lord Brougham) was entirely ignorant of the subject until he heard his noble Friend's speech on Thursday night; but he thought such things might reasonably happen, and they had turned out to be fact. The Board of Trade, it appeared, did not examine witnesses, but came to a resolution, more or less in detail; which resolution was then brought before Parliament. But would it assist Parliament? Not at all. It might mislead; it could not assist them; for what signified a statement made up from one party's account? It might tell all sorts of fables and fantasies to Parliament, but could not assist them in coming to a just decision. But the Resolution of the Board of Trade was produced, and then came the side which had been defeated, and said, "We have got a crowd of witnesses, and could produce them before Parliament; but it is now too late, the decision is against us." Now, that happened in nine out of ten cases. Now, supposing that his noble and learned Friend on the Woolsack were overloaded with business, although he did it cheerfully, and a Board of Masters in Chancery were to inquire into a matter, not hearing evidence, but shutting out the light, and groping

their way and deciding in the dark, and then furnished a Report to his noble and learned Friend—what would he do? It might mislead, but it could not assist him.

The *Lord Chancellor* said, he should do as his noble and learned Friend was then doing—except to the Report.

Lord *Brougham* had no doubt his noble and learned Friend would do so, and properly; but Government did not except the Report of the Board of Trade—they swallowed it down. Some people might say, that what he had stated happened 99 out of 100 times; but he thought it occurred 100 out of 100 times, and that it was a serious interference on the part of the Government with private dealings. What would their Lordships think if any other mercantile transactions were carried on in that way—and railway matters were now the largest branches of practical business—for in the lines now referred to ten or twelve millions were to be invested, with large sums of money constantly changing hands? A man might say, “I have lost 10,000*l.* by the decision just out without the slightest chance of redress.” Now he (Lord *Brougham*) could not help feeling, under those circumstances, that that was a dreadful interference by Government with men’s estates and properties, and with the large sums of money that were vested in railway undertakings. He should have much less objection to the course pursued if the House of Commons would adopt what he, with the assistance of the gallant Duke and the noble Lord the late Governor General of India, who had also lent his assistance, had introduced into that House—namely, if in the other House of Parliament there was an impartial and calmly-judging tribunal, formed on the principle of the Committees of their Lordships’ House, which decided judicially; but even that would be an anomalous and inconsistent proceeding, and had much better be dispensed with. Now he wondered if it was true that the South-Eastern Railway matter had been decided by the smallest majority of the Board—that two of the Members of it voted one way and two the other, his noble Friend the President of the Board of Trade, as Chairman, having the casting vote? His noble Friend had said that Captain O’Brien did not vote at all. Why, then, he should be present, he (Lord *Brougham*) did not know. Generally, the best way not to take part in a proceeding was to be absent. He knew nothing, how-

ever, but that Captain O’Brien was present assisting, in the French sense of the word, not in the English, because he did nothing. But there was a casting vote. His noble Friend the President of the Board of Trade voted, first as a private individual, and then as Chairman of the Board; and although the majority was as three to two, the numbers were, in point of persons, two and two. If he had been rightly informed, such was the case—if he was wrong, he should be glad to be set right. But then, that ancillary power must have much less influence with the Committee than if there were a majority of votes by different parties. It might be, there was a rule that whichever way a man voted in respect of a measure, he signed for it. But those things being done in secret, he could only say what he (Lord *Brougham*) had heard, and he had been told what he had stated by a gentleman who believed it himself, and who could neither be deceived himself, nor would deceive others for all the railway shares in London, although he had been a sufferer to the extent of 10,000*l.* He (Lord *Brougham*) would appeal to a Report which had been furnished, and to the opinions which had been entertained on the subject. Mr. Cardwell, a most respectable Gentleman, a Member of the other House, and now a Member of the Government, had been in favour of giving large powers to the Board of Trade, but he said they ought to receive evidence. Mr. Laing, another Member of the Board, seemed to think nothing so bad as a Court of Law, a Judge, and a Jury; and next to them that nothing was so bad as a Committee of the House of Commons. He thought all power ought to be given to the Board of Trade; but of course, if he did away with the Courts of Law and the House of Commons, he did mean that evidence should be called before the Board of Trade. He could not help thinking that this was a most important subject, both from the statement of his noble Friend, and from the evidence he had received of hardships done to individuals and private property by that ill-omened system. He should, therefore, feel it his duty to bring in, in the early part of the Session, a Bill on the subject, in order that the important question might be discussed; because of all the branches of legislation he looked with the greatest caution and watchfulness at that kind of legislation that went to interfere with the sacred rights of persons.

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The Earl of *Dalhousie* fully agreed with the noble and learned Lord as to the importance of the subject; but with respect to the question that the noble and learned Lord had asked relative to the shares purchased by Mr. W. O'Brien, and with respect to Mr. W. O'Brien's share in the transaction alluded to by the noble and learned Lord, it was not his (Lord *Dalhousie's*) business to undertake the defence of Mr. O'Brien in reference to his connexion with the South-Eastern Railway Company. His only duty was to offer a defence for a Member of the Board to which he belonged when attacked; and as Captain O'Brien's name had been mixed up with the South Eastern Railway shares, he would again state that the circumstances of the transaction entirely exculpated Captain O'Brien from the slightest fault. With respect to the other question of the noble Lord—namely, that he had learned upon information, which might or might not be right, that a division had taken place in the Railway Board on the subject of the South-Eastern scheme, that certain Members had voted one way and some another, about which the noble and learned Lord wondered very much, and desired extremely to know whether that was the case, the only answer he (Lord *Dalhousie*) had to give was this, that the noble and learned Lord might be right or might not; he might wonder whether it was the fact or not; but it was his (Lord *Dalhousie's*) duty to leave the noble and learned Lord to wonder on.

Lord *Brougham* said, he should not wonder any longer; he was quite satisfied.

The Earl of *Dalhousie* said, that with respect to the wonder the noble and learned Lord had expressed as to the decision of the Railway Board, it certainly was a matter of wonder to him (Lord *Dalhousie*) that any noble Lord who had the knowledge of business that his noble and learned Friend possessed should expect any answer to be given to such a question. Every arrangement which had been made with respect to that Board was the same as those made for other boards, at the head of which was placed a Parliamentary Member with Parliamentary responsibility. Suppose his noble and learned Friend had called in question any decision of the Board of Admiralty, would the noble and learned Lord, or any other noble Lord, have thought of asking, or would that

House or the other House of Parliament have expected an answer to the question, if it had been asked, whether one Member of the Board had voted one way and one another? Again, suppose a question arose with reference to a Report from the Board of Customs, would any person be allowed to ask, respecting that or any other Government Board, what were the opinions of the different Members, what divisions, or whether any divisions had taken place? The Reports of the Railway Board were laid before Parliament on the responsibility of the Board in connexion with the Government, and upon that responsibility it must rest. With regard to the observations that the noble and learned Lord had made on the constitution of that Board itself, and its influence generally, he must be allowed to ask why was not that grave objection made last year when the Bill was proposed?

Lord *Brougham* said, that the Question had not been before that House.

The Earl of *Dalhousie* hoped his noble and learned Friend would excuse him when he said that the Bill was as much before that House as it was before the other House of Parliament. The question was raised before the Committee of the other House—it was discussed there, and the noble and learned Lord must remember that he raised the question with respect to Government superintendence being exercised over railways; and in consequence of observations made by him, and at his urgent request, he (Lord *Dalhousie*) had moved that the Committee of the House of Commons should be requested to furnish a Report to that House, and as soon as the Committee had finished their Report they did furnish it. In that Report it was distinctly brought to the knowledge of their Lordships that the Select Committee of the House of Commons had agreed to recommend to Parliament that there should be a previous supervision of all the then projected railways, and that this duty should be performed by a Board acting under the orders and control of the Government. The Report went further: it distinctly pointed out the Board of Trade as the department of the Government to which this duty ought to be confided; and it went even further than that and recommended that the then existing Railway Department of the Board of Trade should be reconstructed; and that to this newly-constituted Board the whole of the railways

should be submitted, in order to undergo a previous examination, and to be reported upon to Parliament. In consequence of this Report it was moved in the House of Commons, that the Standing Orders be suspended, and he (Lord Dalhousie) simultaneously moved the suspension of the Standing Orders of their Lordships' House. And, perhaps, he might be allowed to say that the alteration had not been smuggled through that House; but, on the contrary, he had taken the opportunity, probably to the annoyance of their Lordships, of dwelling at considerable length on the alteration that was proposed to be made in the practice of Parliament, with respect to Railway Bills; and he dwelt with much precision and detail upon the jurisdiction and the nature of the powers that were proposed to be given to the newly-constituted Railway Board. On each of the opportunities to which he referred, the question which had been started by his noble and learned Friend, ought properly to have been raised, at the moment when the Railway Committee of the Board of Trade was first constituted, which was surely the most fitting occasion for questioning the extraordinary functions to be confided to it. He did not mean by this to imply that his noble and learned Friend was shut out from making any remarks upon its constitution or its decisions, by not having before done so; but what he meant to say was, that the Executive Government having under the authority of Parliament constituted the Railway Board, whilst his right hon. Friend (Mr. Gladstone) was at the head of the Department from which it emanated, it was unfortunate that the strong objections now brought against it were not stated at the time when they would have availed. If there were imperfections in the Board, it ought to be recollected that all that the Executive Government had done in respect to it was deliberately sanctioned by Parliament, and after the fullest consideration had been given to the responsibilities which rested on it. After the subject had undergone this consideration it was resolved by the Parliament, that looking at the difficulties and inconveniences which surrounded the whole question of railway projects, it was impossible for the House of Commons to do its duty with respect to those Bills, or to adjudicate correctly and advantageously upon the merits of the various rival schemes, unless some previous revision and examination of the projected lines of railway were insti-

tuted by a Board acting under the authority of the Government. Now, what he asserted was, that there was no inconsistency between the acts of the Government, or of the Railway Committee of the Board of Trade, and the authority by which the latter was constituted, as he (the Earl of Dalhousie) had entered upon the whole question fully on a former evening.

Lord *Brougham* intimated that he withdrew that observation altogether, and had merely referred to the inconvenience and discrepancy which had resulted from the proceedings of the Railway Board being regarded as influential in the fate of the projects.

The Earl of *Dalhousie*: The noble and learned Lord had alluded to the inconsistency of the proceedings of the Railway Board in so far as they were regarded as influential upon the decisions of the Parliament with respect to the Railway Bills reported upon. But he must beg to remind his noble and learned Friend that those proceedings and Reports would only be so far influential as they would turn out to be founded upon reason; and he must repeat what he had said on a former occasion, that the decisions of the Railway Board, so far from being conclusive, would only have weight, in proportion as they were ascertained upon a careful consideration of the different projects by the Committees, to be founded in reason and in justice to the different parties, as well as based upon a due regard to the public interest. He would not at that moment enter into any vindication or into any details with respect to the proceedings of the Railway Committee of the Board of Trade; he would only observe, with respect to the non-examination by the Committee of witnesses, that such a course was, under its constitution, and the whole circumstances taken into consideration, utterly out of the question. But he must deny that the Railway Board had not examined into the evidence which was accessible relative to the different projects. They had, on the contrary, gone carefully through the documentary evidence on both sides of the question, and by this as well as by the other considerations to which he had alluded, the decisions of the Board were guided. Whether sound decisions could be pronounced upon such grounds, or whether they would be borne out by the documentary evidence, would depend upon the determination of Parliament after the

whole matter had been reconsidered and sifted in Committee. But it was unjust to assert that the system had not succeeded until it had been fairly tried; and it could hardly be said that this was the case when the first Report had scarcely been laid upon their Lordships' Table. Before they were called upon to abolish the Board, it would be more in accordance with justice and propriety to give its proceedings a fair examination. Whenever his noble and learned Friend thought proper to bring his Motion on the subject forward, he (the Earl of Dalhousie) would be found ready to defend the proceedings of the Railway Officers of the Board of Trade. With respect to the constitution of that Department, or the propriety of remodelling the Board, it was not for him to say one word on the subject, nor until the reports which had issued from it had been carefully weighed and subjected to a close scrutiny. He must on palpable grounds decline giving his noble and learned Friend any answer to his question touching the internal proceedings of the Railway Department of the Board of Trade.

The Duke of Wellington: One word, my Lords, with respect to Mr. W. O'Brien, who has been referred to so repeatedly both here and in another place, in connexion with the Reports of the Railway Department of the Board of Trade, and to whose prejudice many things have been said. I happen to know something of this gentleman. He formerly served as a most respectable officer in one of the corps of the army. He was highly respected by all his brother officers. His information was of a superior description, nor is it possible for an officer to stand higher in the estimation of all with whom he served. I also acquired some knowledge of his relation, who is one of the officers of the Railway Board, whilst that gentleman was attached to the office of the right hon. Baronet the Secretary for the Home Department, who had every reason to be satisfied with his integrity, his zeal, and his services in general. I think it necessary to state these facts in justice to these two gentlemen.

Lord Brougham was extremely glad to have afforded an opportunity for the explanations offered by the noble Earl and his noble Friend opposite. He never blamed, nor meant to impute the smallest collusion either to Captain O'Brien or his brother. All he had referred to, was a

fact which was notorious—namely, that Mr. W. O'Brien's name had been placarded on the Stock Exchange as a purchaser of South-Eastern Railway shares, a circumstance which gave point to the reports that were so prevalent with respect to the proceedings of the Railway Board. When his noble Friend had told him he might wonder on, he did not appear to be aware that there was no longer any ground for wonder after the declaration he had made. He had no longer any curiosity on the subject; that was satisfied; he believed the information he had received to be correct. He had stated the circumstances hypothetically, and he now found them to be substantially true: but his noble Friend was quite in error when he drew a parallel between the proceedings at the Board of Admiralty or the other public Boards, and those of the Railway Department of the Board of Trade. His noble Friend had stated that the Members of the Board of Admiralty conjunctively and unanimously signed all Reports issued under their authority. That was true; but then he ought to have borne in mind that the Admiralty was an executive Board, having authority to carry out its own Reports and plans; but that it was not a judicial Board, nor were its Reports like those of the Railway Committee of the Board of Trade, which were simply expository—mere opinions; and if those opinions were not unanimously agreed to by the Members of the Board, the Houses of Parliament and the public were deceived by their being signed by the whole Board, as if they had been all agreed. His noble Friend had expressed his surprise at his (Lord Brougham's) not having stated his objections to the constitution of the Railway Committee last year. But from what the noble Earl had stated, it would be supposed that the House of Commons had come to a distinct resolution in recommendation of the constitution of the Board upon its actual basis: whereas all that the Resolutions to which the noble Earl had referred said, was that when the plans and estimates of the different projected railways were ready to be laid before Parliament, they were first to be submitted to the inspection of the Board of Trade. He must say, in vindication of his having brought the subject under consideration that evening, that he was entirely confirmed in the views which he had taken with respect to the non-examination of witnesses before the Railway Board; and when he saw the consequences that had resulted, and were still likely to result from

that course, he could not but express the objections he entertained to it. When the mere connexion of Mr. W. O'Brien's name with the South-Eastern projects raised the shares from 13½ premium to 38, or even to 48, within a few days, he certainly did consider the circumstance as very justly exciting the attention, if not the suspicions, of the public.

The Earl of *Dalhousie* protested against being misunderstood by his noble Friend. What he had said was, that he did not object to his raising any question with respect to the proceedings of the Railway Board or its constitution. He was at full liberty to do so. But he had called attention to the fact, that the Board owed its existence to the deliberate determination of Parliament during the last year; and he had observed that it was only reasonable to have expected his noble Friend to object to its constitution at the time it was proposed, as the same grounds for his objections existed then as at present. His noble and learned Friend might object at present to its constitution: he was fully entitled to take that course. With respect to the unanimous signing of the Reports by the Board, he could only repeat what he had already said, namely, that the Railway Board was constituted in the same manner as other Boards in the Public Departments. He was sorry he could not, consistently with his public duty, give the noble Lord the satisfaction he sought relative to the other topic of his speech.

Lord *Campbell* hoped he might be allowed to express a hope that the whole subject relative to the proceedings of the Board of Trade would be reconsidered. The noble Earl at the head of that Department had displayed throughout the purest honour and the greatest ability. He had heard the noble Earl's praises sounded in all quarters, and with great justice; at the same time, he must express his belief that the Railway Committee of the Board of Trade was a failure, and he believed some new plan would be found necessary. Noble Lords should consider that the Railway Board was not created by any Act of Parliament, nor by any Resolution of the two Houses of Parliament. Its functions, its duties, and its powers were altogether undefined. It was a voluntary tribunal, and they might just as well have twelve drunken porters, whom they might meet in any alehouse in West-

minster, to give their opinion upon the expediency of any scheme to be brought forward in respect of railways, as the noble Lords and the right hon. Gentlemen who composed that Board. They had no authority except that which they gave themselves. The Common Law gave them none—they had none given them by statute—nor had they any Resolution of that House of Parliament. On that ground it was impossible that their decisions could be binding, although it was most desirable that their decisions should have some authority, if it were only to redeem the respectability of the Board of Trade. But then there was another point, in which it struck him as being very bad in its present shape—namely, that no witnesses were to be examined. The Board was to decide according to what was alleged—not what was proved. Now, it had been said that they examined written evidence; but the written evidence must be the statement of the parties themselves, must contain their allegations, and it would be very easy for a dexterous solicitor to keep the Board from seeing any evidence that might contradict what was stated. It was, therefore, impossible that the decisions of that Board could carry with them the weight which it was desirable they should possess. Could they assist the two Houses of Parliament if they were given without evidence having been heard? They must be either conclusive or not. If they were conclusive, they must be so without evidence; if they were recommendations merely, they carried no weight whatever with them. He apprehended, therefore, it would be indispensably necessary that the noble Earl should consider some other mode by which those questions should be decided. With respect to the question put to him by his noble and learned Friend, he could not imagine any reason for his (the Earl of *Dalhousie's*) being so fastidious. He had no curiosity himself on the subject, but when the noble Earl compared the Railway Board to the Board of Admiralty, he begged to remind him that the functions of the latter were both deliberative and executive; whereas, as his noble and learned Friend had observed of the noble and learned Lord who presided on the Woolsack, the functions exercised by him in his judicial capacity were deliberative, and there could be no reason whatever after his decision, or after the decision of any body of Judges had been made, for concealing the opinions

of those Judges, or for stating that they had differed in opinion—as such difference would in no degree shake his confidence in the result. When the Judges were divided their decisions were sometimes of greater weight. So, in like manner the individual opinions of the Railway Board might with great propriety be made public, as the decision would not be in any way shaken by such a course. He ventured to throw out a suggestion to the noble Earl,—whether it might not be better to consider how to improve the Railway Department of the Board of Trade, so as to inspire the public with more confidence in its proceedings and Reports.

Viscount *Strangford* could not reconcile a discrepancy which appeared in the objections taken by the two noble and learned Lords opposite to the proceedings of the Railway Board. One of these noble Lords had stated that the Reports and decisions of the Board would be far too influential; whilst the other noble and learned Lord had declared, on the contrary, that the said Reports and decisions were possessed of no authority or value whatever.

Lord *Wharncliffe* begged to recall the circumstances under which the Railway Board was constituted to the recollection of their Lordships. The House of Commons, finding during the last Session that the difficulties attendant upon the examination of the details of the multitude of railways in the Committees on the Bills were very great, in consequence of their numbers, thought it advisable that the whole of them should undergo a preliminary examination by the Board of Trade, previously to their being brought under the consideration of Parliament. This determination was not a sudden one. It was preceded by the appointment of a Select Committee, before which body witnesses were examined to a very great extent, and that Committee framed and agreed to certain Resolutions, wherein were detailed the reasons which guided its members in recommending the House to send all railway projects for the future before the Board of Trade. Was the Government to refuse to act upon such a Resolution as that? The Government could do no such thing. The consequence was, that Ministers constituted the Railway Department of the Board of Trade. He agreed in the statement, that the Reports of that Committee were not to be regarded as conclu-

sive. All the Committee did was to assist the House of Commons in dealing with the various projects when they came under the notice of that Assembly. And at a moment when the Railway Board had got through three-fourths of the business assigned to it to transact, the Government was called upon, in the manner which had been resorted to, and peremptorily desired to stop the Railway Committee short in its proceedings. Now, he would put it to the two noble and learned Lords opposite if this was a proper course to pursue. Admitting, for the sake of argument, all the objections that had been urged, he (Lord *Wharncliffe*) thought it was the duty of Parliament to let matters take their course for the present. Let the effect of that course be closely watched and appreciated, and having seen what it was, then would be the proper time, if it were thought necessary, to reconstruct the Board; and the proper moment for calling upon Parliament to come to some Resolution on the subject would be after the results of the railway projects now under consideration were fully known. The proceedings of the Railway Board, any more than its decisions, were no secret. The whole of their determinations had been made public as they had been come to, and yet that publicity had been made one of the strongest grounds of censure on the Government.

Lord *Brougham* said, he had got the Report of the Select Committee, containing the Resolutions on which the Railway Board was constituted, and he put it to the candour of their Lordships whether he could be blamed for having put the construction that he had done upon the words of that Resolution. He would read a portion of it, to be found in page 15 of the Report:—

“It is the opinion of the Committee that such Reports should on no account be regarded in any other light than as intended to afford to Parliament firstly additional aid” —

And he would call upon their Lordships to notice in what manner this additional aid was to be afforded; he called upon them to mark the words,—

“In the elucidation of facts by the testimony of witnesses.”

By witnesses, their Lordships would observe, and not by documentary evidence only. In the Courts of Law those who

practised there were not accustomed to such tricks as a Judge suddenly vaulting from the Bench into the witness-box, and then back again to give his decision as a Judge upon his own testimony as a witness. The noble Lord then resumed,—

“Testimony of witnesses competent by knowledge.”

Ay, but it turned out that these were not witnesses, but judges,—

“Competent by knowledge, habit, and opportunity, and officially responsible. And secondly, recommendations founded upon such elucidation; that their purport should be not in any case to give their absolute advice.”—

Ay, but they had done so, and that pretty strongly too,—

“That a given railway should be made, but to state whether there were public reasons which ought, in the opinion of the department, to be decisive against it, or whether it ought to be postponed until its merits could be examined—”

[The noble Lord was here about to close the book, when several noble Lords called out, “Read on; read on.”]

“Examined in connexion with those of some other scheme, or which of two or more contending schemes appeared preferable, in the event that only one should appear likely to receive the sanction of Parliament; and in particular, it is the judgment of the Committee that no such Report should be held to prejudice the claims of private persons, the examination of which should be altogether reserved to the Houses of the Legislature.”

The recommendation and even the judgment of the Committee distinctly state, in the words he had read, that all private claims were to be reserved for the decision of the Legislature; and yet the Reports of the Board could not be said to have implicitly obeyed that intimation. But with respect to the constitution of the Board, his remarks were completely borne out by the Resolution which followed upon the paragraph he had read, which was simply as follows:—

“Resolution—That it is expedient that all Railway Bills should henceforward be submitted to the Board of Trade previously to their introduction into Parliament.”

Surely the House would agree with him when he said that he was not accustomed to be told that the word “witness” was of the same meaning as the word “judge.” Until so enlightened he should not, in reading the account of last year’s proceedings, have ever arrived at any such conclusion as that “witness” meant “judge.”

Conversation dropped.

ROMAN CATHOLIC PENAL ACTS.] Lord Beaumont rose to put a question to the noble and learned Lord on the Woolsack, relative to the Penal Laws which affect Her Majesty’s Roman Catholic subjects, and at the same time for the purpose of inquiring what course it was the intention of the Government to take in legislating upon that subject. It would be in the recollection of the House that during the course of the debate which took place last year upon the state of those Penal Laws, the noble and learned Lord gave a promise that in the present year that important question should be taken into consideration by the Government, and brought under the notice of Parliament. It would be also in the recollection of the House that the Criminal Law Commissioners had adverted to the subject in their sixth Report; and he need scarcely remind the House that the Bill which he (Lord Beaumont) introduced last year had been considerably curtailed or amended by the learned Lord, on the understanding that the recommendations contained in that Report should be more fully carried out by a Government measure in this Session. He would, however, state the extent the parties principally concerned carried their expectations: they now expected, upon every rational ground, that all Acts of Parliament which imposed pains and penalties on the ground of religion should be repealed. They were ready to admit that political and official disabilities were quite another affair. They might be regarded as important safeguards to the Established Church; but, whether they were repealed or not, it must be obvious to every one that there existed no necessity for permitting mere statutes of pains and penalties to continue in force. There was one Act in particular, the 13th of Elizabeth, c. 2, to which he wished to call the attention of the learned Lord, because it was one which stood originally in the Bill he (Lord Beaumont) introduced, but had been struck out at the suggestion of the learned Lord. The motive of the learned Lord for the omission was the belief that it had been repealed by some subsequent act; but how stood the case? It certainly did so happen that a portion of it was repealed, and by what? Why by the Customs Duties Consolidation Act. The Act of Elizabeth prohibited the introduction into this country of any sets of beads, or even of an *Agnus Dei*. But recently a Customs Duties Act permitted the introduction of

those articles on the payment of a duty of two per cent *ad valorem*. But that did nothing towards the relieving of the people of this country from the restrictions imposed on them with respect to corresponding with Rome by means of letters. The Customs Duties Consolidation Act relieved them from the penalties of a *præmunire*, so far as regarded the importation of the articles mentioned; but as the law still remained, if any Prelate or any layman received from the Pope any letter, rescript, or other document, he exposed himself to penalties of a very serious kind. The letters that he received might recommend him to abstain from any acts either in public or in private which did not come within the scope of his natural duties. Nay, those documents might suggest that, in order to please the Court of Rome, the parties so addressed must not only be peaceable subjects, but must be active in their support of the Government of this country; yet, as the law at present stood, if any British subject were a party to such correspondence, and published any portion of such letters or rescripts he might be prosecuted for high treason. Looking at that state of the law, and remembering likewise that the subject was under the consideration of the Criminal Law Commissioners, he thought himself justified in rising to inquire from the noble and learned Lord whether he intended fully to carry out the recommendations of those Commissioners.

The *Lord Chancellor* said, that in answering the question put to him by the noble Lord, he should not occupy the time of the House by bringing forward any arguments on the one side of the question referred to, or on the other. During the last Session of Parliament, when a Bill on this subject was before the House, he considered it to be one of great importance and of great delicacy. It was one with which he thought that the Commissioners on the Criminal Law ought to deal, and he requested them to report on that subject especially. He thought it right further to state, that Sir Edward Ryan, Mr. Amos, and Mr. Richards, had been added to the Commission. When those Commissioners presented their Report, and brought forward the draught of a Bill, founded upon it, as he had suggested, he did not hesitate to say that, either wholly or in part, he should support the adoption of such recommendations as they might make. He hoped that the noble Lord

would for the present at least consider that explanation sufficient.

House adjourned.

HOUSE OF COMMONS,

Monday, February 17, 1845.

MINUTES.] NEW MEMBER SWORN.—For Wilts (Southern Division), Right Hon. Sidney Herbert.

BILLS. *Public*.—1^o. Parochial Settlement.

2^o. Constables (Scotland).

Private.—1^o. Greenwich Colliery Railway.

PETITIONS PRESENTED. By Viscount Sandon, from Inhabitants of British Guiana, for a Reduction of Duty on Sugar and other articles, the Produce of that Colony.—By Mr. Chute, from Landowners, Agricultural Labourers, and others, of several Parishes in the County of Norfolk, for Repeal of the Malt Duty.—By Mr. Macaulay, from Paper Manufacturers, against the Paper Duty.—By Mr. C. Russell, from Grocers of Reading, for time to sell out their present Stock of Sugar.—By Viscount Duncan, from Bath, against the Window Duty.—By Mr. Macaulay, from Edinburgh, against Alteration of Law of Banking (Scotland).—By Mr. Serjeant Murphy, from Cork, against the Charitable Donations and Bequests Act (Ireland).—By Mr. P. Scrope, from Tradesmen and others, of the County of Gloucester, against the Insolvent Debtors Act.—By Mr. Broadley, from Merchants and others, of Kingston-upon-Hull, against the Insolvent Debtors Act.—By Mr. Bramston, from Physicians and others, of the County of Essex, Mr. Fitzroy Kelly, from Cambridge, Mr. Ord, from Newcastle-upon-Tyne, and by Sir J. Trollope, from Thomas Cammack, M.D. and others, of Spalding, against the Medical Practice Bill (1844).—By Mr. S. O'Brien, from Wellingborough Peace Society, and by Mr. Philpotts, from Gloucester, against Increase to Naval and Military Establishments.—By Mr. T. Duncombe, from Stanislaus Worrell, and Charles Stolzman, for Post Office Inquiry.—By Mr. Bright, from Carnarvon, and North Elmham, for diminishing the number of Public Houses.—By Sir G. Clerk, from Presbytery of St. Andrew's, for Improving the Condition of Scotch Schoolmasters.

SUGAR DUTIES.] Mr. *Hastie*, seeing the right hon. Baronet in his place, wished to ask him whether it was his intention to admit East India sugar under the new Sugar Duties Act in the same class of sugar in which it had heretofore been admitted, namely, as Muscovado sugar?

Sir *R. Peel* said, he had stated on Friday that a distinction was intended to be made between Muscovado and white-clayed sugar.

Mr. *Hastie* remarked, that the classification of the sugar would make a difference in the duty of 2s. 4d. a cwt. There were 70,000 tons exported from India, of which about 50,000 would consist of granulated white sugar, and he wished to know whether this would be liable to the additional duty.

Sir *R. Peel* thought, it would be better to postpone for the present any discussion as to the details of the measure.

Mr. *Gibson* wished to ask the right hon. Gentleman whether, in classifying sugars

into clayed and Muscovado, and fixing the different rates of duty, he contemplated the adoption of the *ad valorem* principle of duty, and whether he meant that the higher rate of duty should always apply to sugar of the greatest value?

Sir R. Peel said, that would generally be the case, although he would not pretend to go into every particular case. Presuming that clayed sugar was generally more valuable than Muscovado, that would be the effect of the arrangement.

Mr. Labouchere apprehended it was the right hon. Baronet's intention to propose that the Sugar Duties Bill should be passed for one year only, as had hitherto been the case. As there was some doubt among the public regarding the intention of the right hon. Gentleman, and it was a point of great constitutional as well as commercial importance, perhaps he would state whether that were his intention.

Sir R. Peel answered, that under any circumstances, if the Sugar Duties were made permanent, he should have been very much disposed to propose that some other duty, of nearly equal amount, should be made temporary, in order that there might be no infraction of constitutional principle. His own opinion was, that it would be better that the new Sugar Duties should be of a permanent character; but, under all the circumstances, looking at the greatness of the change, he was not prepared to advise that the new Sugar Duties, supposing them to be sanctioned by Parliament, should be continued beyond the 5th of July, 1846.

TITLE OF KING CONSORT.] Mr. Borthwick wished to ask the right hon. Baronet the First Lord of the Treasury, whether there was any truth in a rumour which had appeared in the *Morning Chronicle* of Tuesday last, and subsequently in the *Morning Post* and other newspapers? The rumour itself was one upon which he did not ask for any information, because it was sufficiently absurd to contradict itself. The statement was this:—"It is rumoured, and we believe on good authority, that the title of King Consort is about to be bestowed on His Royal Highness Prince Albert. This, we presume, will be preliminary to a demand for an increased grant." He wished to ask the right hon. Gentleman the question, simply to afford him an opportunity of contradicting a rumour, mischievous, absurd, and preposterous in itself, but calculated to do very serious

injury to the object of all their loyalty and affection.

Sir R. Peel must say, it was not a good practice for hon. Members to ask Ministers to give explanations with respect to newspaper rumours, particularly when an hon. Gentleman found a rumour that was sufficiently absurd to be its own contradiction, and wanted no explanation from him. It was rather hard in that particular case, that the hon. Gentleman should submit him (Sir Robert Peel) to the ordeal of answering it. However, he must leave it to the decision of hon. Gentlemen themselves to ask such questions or to refrain from asking them. Inferences were sometimes drawn from silence, when, on the whole, silence would be the best possible course to observe; but, to guard against the possibility of any erroneous inference, he would state, for the information of the hon. Gentleman, that that paragraph was totally without foundation.

RAILWAY DEPARTMENT — BOARD OF TRADE.] Viscount Howick wished to put a question with respect to the Railway Department of the Board of Trade. He observed, that the Reports of that Committee were signed by all the five Members of it. Now, he wished to know if, from that circumstance, they were to infer that all those five Gentlemen signing that Report concurred in it, and whether they were all of the same opinion? This question was of considerable importance, because, as it was now determined that those Reports were not to be conclusive, but only to be influential so far as they were consistent with reason, it, of course, made a very material difference in their authority whether they were the unanimous Reports of those five Gentlemen, or whether they were approved of only by two or three of them. It struck him that, in a vast number of railway projects, it was almost impossible to find five Gentlemen of the same opinion; and that it would be very remarkable to see five men of the same opinion as to any; but here we had five who, upon all subjects submitted to them, happened to have precisely the same opinion. He found it was very currently reported, that as to the only Report hitherto presented by them, the fact was not so; that one of the five Gentlemen did not vote, and the other four being equally divided, the question was decided by the President of the Board giving his casting vote. If that was the fact, it was one they

ought to know, and he hoped the right hon. Baronet the Vice-President of the Board of Trade would specify whether the Report implied only that the particular conclusion set forth in it had been come to, without implying that all the five Gentlemen concurred in the opinion therein expressed. He should also like to ask whether it were the intention of the Board of Trade to lay before the House, as an appendix to their Report, the statements of the competing companies, on which their Reports were founded? It was of great importance that the House should possess the statement of each company, and the Documents which they had laid before the Board of Trade upon which the Reports of that Board had been founded.

Sir *George Clerk* said, that with regard to the first question, he believed there was no precedent for it. He believed that when a Report was made by any public Board, that Report was to be taken as the act of the Board collectively, for which they made themselves responsible. It was the first time that any question had ever been asked as to what discussions had taken place at the Board, and he must decline giving any answer, because, if he were to answer such a question, it would be establishing an inconvenient and dangerous precedent, and he had only to request that neither the noble Lord nor the House would draw any inference as to the Report from his silence. With regard to the second question, he had to state that the Board of Trade had no intention of laying before the House the voluminous statements which had been submitted to them by the various parties to railway schemes. He was not aware that there would be any objection to laying those statements before the House if the noble Lord should think them necessary. In the future progress of those measures, no doubt the parties interested would lay before the Committee appointed to consider them all the statements they had to make, either in recommendation of their own schemes, or in opposition to the schemes of their rivals. He knew of no reason why these should not be printed, except that they were exceedingly voluminous, and would take a long time to copy.

Mr. *Roebuck* begged to observe, for the information of the right hon. Gentleman, that with regard to the first question put by the noble Lord, it was confidently asserted in the city that certain Members of the Board had so voted, and their names were mentioned. It was stated that a cast-

ing vote had been given by the person at the head of the Board of Trade. If there was a casting vote, it was presumed by the persons best informed that there was an equal division of votes, as no person had two votes; and therefore, that all the parties on that Board must have voted, which led to a very important conclusion. Now, in such a state of things, it would not do, now-a-days, to shut out investigation. Upon a question like this, they must know all and everything. If not, suspicion would rest upon those who shut out the light. If so, such a tribunal would not be a satisfactory one for the guidance of Parliament, and he believed that Parliament would utterly discard the recommendations emanating from such a tribunal, and enter anew into each particular investigation as if no such Reports had been made.

Mr. *Wallace* said, that the first Report of the Board of Trade had been printed, and that he intended to move that there should be laid on the Table of the House all the Documents on which that Report had been founded, so that the House might understand what had been done. The right hon. Gentleman had said that this was an unprecedented proposal; but it should be recollected, also, that the House was placed in an unprecedented situation by this new Board which had been imposed upon Parliament, and he would test the House whether it would act under the dictation of the Board of Trade, or would act independently.

Mr. *C. Wood* did not think the answer of the right hon. Baronet calculated to give satisfaction either to the House or to the country, however he might be justified by precedent. He, too, had heard such reports as those alluded to by the hon. and learned Member for Bath, amongst members of the community interested in railways; and before the same question was again put and the same answer given, the Government should consider whether such an answer was calculated to give confidence in the Railway Department of the Board of Trade. He had heard from other sources the reports to which allusion had made. It had been stated in the city, and upon authority upon which some reliance was to be placed, that, with regard to the only Report yet laid upon the Table of the House, one of the Members of the Railway Board had not voted at all—that the other Members were equally divided—and that the casting vote was given by means of a double vote on the part of one of the Members of that

Board; and that the Member who did not vote was the only engineer who was on the Board. If there was the slightest truth in that allegation, it was clear that the opinions of the Railway Department were not entitled to the weight they ought to have. If the Government wished that the Reports of the Committee should be received with any degree of confidence, he confessed he thought they were taking the worst possible course to ensure any degree of trust in the justice of their decisions.

Mr. *Milnes* did not attribute much importance to the alleged want of unanimity in the decisions of the Board. The House was called upon, not to judge by the authority of the names appended to a decision inserted in the *Gazette*, but to act on their own view of the grounds stated in the Report. If that was the right interpretation, he did not think the authority of those Gentlemen's names had a great deal to do with the matter. Of course their Report could not be considered in any degree decisive; every thing stated by the Gentlemen led them to believe that it was merely intended as a guide to the labours of Parliament, and by no means to be authoritative on any of its decisions. Its validity, as a guide, would in no degree be impaired by the circumstance that some of the Members of the Board had yielded in opinion to others.

Mr. *B. Escott* was sorry to hear that suspicions had been excited with reference to some of the proceedings of the Railway Board; but it was important that they should consider whether there was not something in the constitution of that Board which made suspicion inevitable. It was his conscientious belief that no Board having to decide on matters of such grave importance as those brought under the notice of the Railway Department of the Board of Trade, could ever give satisfaction unless its proceedings were open to the public. This Railway Committee sat as a court of judicature pronouncing on some of the greatest and most important questions that could come before any tribunal; and he had not the slightest doubt, however honourable and upright the parties might be, their decision would always be liable to suspicion, as long as they were secret.

Mr. *Labouchere* was of opinion that the answer given by the right hon. Baronet was anything but satisfactory. It was important to consider the distinction between this Railway Department and other Boards. The duties had been entrusted to

a responsible department of the Government, and it was not intended that it should be left to a tribunal composed of Gentlemen who had no Parliamentary responsibility. It was true that the Committee last year had recommended that the Board of Trade should examine the applications to be made to Parliament for new railway projects, and for rival railways, and should report to the House their opinion of their merits; but he did not think that the Committee, in making that recommendation, at all contemplated that there should be constituted a new tribunal, exempt from Parliamentary responsibility. He had been a Member of that Committee, and to speak for himself, he never had contemplated any such thing. He thought that the Board of Trade would transact the business itself, and that the President or the Vice-President, or some Member of the Government, being responsible to Parliament, would have provided for the proper performance of this business in the Railway Department. He thought the Board of Trade was bound to take the duty upon itself, and he never before had heard of the appointment of a tribunal constituted like this. If such a Board had been constituted at all, it should have been in a different mode, and have been composed of Privy Councillors. Questions of such great import, and involving such vast pecuniary interests, ought not to have been decided upon by these Gentlemen, however respectable, and against whom he should certainly be the last to whisper a suspicion regarding their integrity. Still when he saw that one Gentleman, who had only yesterday filled the situation of Private Secretary to a right hon. Baronet, should have been promoted to an office of such extraordinary power and importance as this, he must say, if suspicions had arisen—suspicions which he would not confirm, and which from personal knowledge he could say were unfounded—that the Government had to thank themselves for it, in having constituted this Board on so improper a basis. However, the mischief had been done, and could not very well be remedied so far. Still he must repeat that he did not think the answer of the right hon. Gentleman had been satisfactory. He agreed with the hon. Gentleman opposite, that whatever effect the Report of the Board of Trade might have on the House, must depend on its impartiality. If it was found that the Engineer of the Board differed from the rest of his col-

leagues upon the nature of the Report, that must, of course, very much detract from it.

Mr. Gladstone did not intend to enter into the question upon which this discussion commenced, namely, an examination or an analysis of the Railway Board as to the opinion of its Members. But there were two other matters introduced, upon which he wished to say a few words. The hon. and learned Member for Winchester expressed a strong opinion that if the judgments of the Board were to carry any weight, their proceedings must be public. Now, he (Mr. Gladstone) ventured to state most strongly to the House, that there was no choice between having their proceedings not public, and having no Railway Board at all. There was no alternative. If the House was of opinion that they should establish public proceedings before a Board of that nature, they must have regular and formal examinations of witnesses—the parties, counsel, and agents, must be constantly present—they must have regular statements and replies—they must have all that delay and expense which the very Gentlemen who complained of the want of publicity were parties to expose before that House. With regard to the composition of the Board, the right hon. Gentleman opposite was the first person from whom he had heard any censure, and far less such severe censure as that of the right hon. Gentleman. It was easy to find fault with its constitution, or any plan that might be adopted under the circumstances; but if he looked to the alternative to which the right hon. Gentleman pointed, in the remarks addressed to the House, he was not at all shaken in his conviction that the course taken in the appointment of the Board was the best course of which the circumstances would admit. The right hon. Gentleman said, that if there was to be a Board at all, he would have it constituted of Privy Councillors. Now, he would ask the House, how was it possible to constitute the Board of Privy Councillors, the Members of which should have patiently devoted themselves from morning till night, for the space of four or five months, to receive deputations, to examine papers, and form conclusions connected with 240 railways? Perhaps it might be the opinion of the right hon. Gentleman that such things were possible. In his (Mr. Gladstone's) opinion, it was totally visionary; and he was astonished to hear such a plan recommended by any person; but particu-

larly by a Gentleman of great ability, who had held high public office in the country. Another plan was, that the President and Vice-President of the Board of Trade might proceed with regard to Railway Bills as they did with regard to other Private Bills, and treat them departmentally. That would be the best course to pursue, if it was physically possible that the business of the Railway Department could be got through in that manner. But the organ of the Board of Trade, in that or the other House of Parliament, had many other matters to attend to. He had to attend to many commercial and financial measures, and to many important matters connected with their foreign and colonial policies; to say nothing of the other Private Bills. At the present moment, the circumstances of the Railway Department were such that they demanded the undivided mind and time of those who were called upon to conduct the affairs of that Department. Therefore, although the institution of a novel mode of proceeding was in itself disadvantageous, yet the Government were absolutely driven upon it; because the usual machinery of Parliamentary representation would have been totally inadequate to the purpose. It was absolutely necessary, with regard to such important matters as railways, to take some means of assuring the House and the country that there had been, according to the opportunities possessed, a patient and laborious investigation of the facts; and he did not think it possible for any Gentleman who heard him to imagine that such an assurance could have been given by a Member of the Board of Trade, and to an audience in that House similar to that which usually decided upon Private Bills. Although the plan adopted was very far from being theoretically perfect; and although, as must always be the case where such great conflicting interests were at stake, great dissatisfaction prevailed, yet it was remarkable that no Gentleman had pointed out a course of proceeding, which, on the whole, would be attended with so few disadvantages. It had been objected to one of these Gentlemen, that he had been private secretary to the right hon. the Secretary of State for the Home Department. He did not himself see that that was in the nature of a disqualification, or in the nature of proof or presumption that this gentleman was unfit for his position, seeing the changes that were constantly taking place. Who censured the appointment of the Gentle-

man who was lately private secretary to Lord Haddington, now the Joint Secretary to the Admiralty. Other gentlemen who had been private secretaries had been afterwards called into high office; and he really could not see the force of the objection as regarded the post of a Member of the Railway Board. He believed that the word "clerk" had been applied to those Gentlemen. It had been said that the Gentlemen who dealt with these vast interests were persons scarcely higher in station than clerks. Now it was scarcely possible to use a word more ambiguous than the word "clerk." A "clerk" might mean one who was engaged in the discharge of mechanical duties; or it might be applied to a person in a public office, who discharged duties requiring very high and delicate discretion. Now, the position of the Board of Trade was this—the President and Vice-President of that Board acted as the head of it; he was one of its Members, and those five were the most competent persons that could be found to assist him; three had been connected with the Railway Department, and another had been extensively connected with railways in his private capacity. So far as those persons were concerned, the object had been to select those who were best qualified by their knowledge and experience. So far as regarded the head of the Board, he stood, in respect to any transactions he might conduct in connexion with that Board, in the position of a responsible and Parliamentary Officer. His decisions were given under that responsibility; and he (Mr. Gladstone) could not see that those decisions would be of less value by the President having been assisted by intelligent persons. The Reports of the Board had been called the Reports of three or four Gentlemen. The same might be said of all Reports. You might call the three Principal Secretaries of State three Gentlemen; or, you might call the Secretary of State for the Home Department, one Gentleman—or you might call the Report of a Committee of that House, the Report of three Members, or of one Member. But the fact was, that the Reports from the Board of Trade were Reports from a Department of the Government, and he would contend for it that they should be held as the deliberate and formal Reports of that body. He could say, that while he was connected with that Board he exercised his best abilities to give satisfaction; and he would now say, that if he were still connected

with it he would defend its acts on the floor of that House, and, connected with it now or not, he would still be ready to defend all they did while he was connected with the Board.

Mr. Bernal had listened with great attention to the right hon. Gentleman, and was happy to hear that he was ready, as a gladiator, to undertake the defence of the Board of Trade. The difficulty the House saw regarding this question seemed to evince the necessity of removing the first steps of private business from the control of this House. This was not a popular view of the question; but they were approaching an era in civilization, unlike any that had been seen before, and a whole mass of private business poured in on them, for which they were not provided. They had sketched out an imperfect and hasty plan, for trusting some of it to the Committee of the Board of Trade, and what had been the result? Why that respectable Gentlemen were indirectly—he might almost say directly—accused of not discharging their duties candidly and honestly. Those Gentlemen were placed in an odious position; they were exposed to every random shot fired at them by speculators, or by those who were not speculators. He for one would not consent to stand in such a position, and would rather give up the post of Secretary or President of the Committee, than encounter the odium it produced. It was said there must be some tribunal; but it could not be expected that hon. Members, who were occupied by public business, could give up many hours every day to attend to railway schemes in which they had no local or personal interest whatever. What, then, was to be done? Let the Government boldly sketch out the plan of some open tribunal, out of doors, where the merits of these railway schemes could be discussed, and where there were agents and counsel in attendance—for he did not mince the matter; and he was sure that the decisions of such a body would give more satisfaction than the decisions of that House. The present Committee had not sufficient time to attend to the business thrown upon it—all was hurry and confusion, and so great was the pressure to get ready the plans and documents for the last day on which they could be given in, that several working engineers lost their health, and some their lives, from the excessive labour; they would never exonerate the House from suspicion of self-interest till they removed the control of its

Private Business to some other tribunal. There were certainly difficulties attending every new arrangement; but if they studied the credit of the House they would lose no time in taking the question into their serious consideration.

Mr. *Gladstone* said, he had been misunderstood by the hon. Gentleman on an important point. He had stated at the commencement of his observations, that he hoped the Government never would have occasion to interfere in that House, with respect to Private Bills, in the same manner as they did with respect to Public Bills; and he afterwards said that he, as the organ of the Board of Trade, had he continued so, would have defended the Reports of the Railway Department. There was no contradiction in these two statements. The organ of the Board of Trade not unfrequently made a statement in that House of his views in reference to Private Bills, and took his chance of being defeated or not, as the case might be; but the Government, as a Government, were not involved in the proceedings.

Viscount *Howick* explained, that he had on a former occasion stated, that the Gentlemen constituting the Railway Committee of the Board of Trade, had to dispose of property larger in amount than that disposed of by the Judges in Westminster Hall; and he added, that those to whom was committed the disposal of this large amount of property ought to be of a station in some degree at least approaching to that of Judges. That was all he had said, and he never meant to use the word "clerks" in any invidious sense.

Sir *R. Peel* was somewhat surprised at the observations which had fallen from the right hon. Gentleman opposite (Mr. Labouchere) and he thought it unfortunate that that right hon. Gentleman, with his experience, had not taken, last Session, when this subject was under consideration, the course he had pursued to-night, and had not warned the House of all those inconveniences which he had dwelt on just now. He was sorry that there should be an impression that the Government had assumed a power which had not received the sanction of that House. It appeared to him that the Government had acted as nearly as possible in conformity with the Report of the Select Committee on Railways, and with what appeared to be the sense of the House. The Select Committee appointed on Railways had to consider whether the then present mode of

conducting railway business before Committees of that House was satisfactory or not, and that Select Committee also considered the question as to the degree of supervision which it might not be right for a Department of the Government to exercise over future railway schemes in their earlier stages. The Select Committee considered that some preliminary examination was necessary before these railway schemes were submitted to Committees of that House; but would not discuss whether that examination should be transferred to any other Department of Government, assuming that the duties of the Railway Department would continue to be attached to that particular branch of the Executive to which it then belonged? If the House of Commons had entertained a different opinion, that opinion should have been stated at the time. The Select Committee having then recommended this preliminary examination by the Board of Trade, leaving it at the same time to the House to determine ultimately on the various railway schemes, then proceeded to specify what should be the nature of the Reports to be made by the Board of Trade; and the Committee stated as their opinion,—

"That such Reports should on no account be regarded in any other light than as intended to afford to Parliament, firstly, additional aid in the elucidation of the facts by the testimony of witnesses competent by knowledge, habit, and opportunity, and officially responsible; and, secondly, recommendations founded upon such elucidation;—that their purport should be, not in any case to give the absolute advice that a given railway should be made, but to state whether or not there were further reasons which ought, in the opinion of the Department, to be decisive against it, or whether it ought to be postponed until its merits could be examined in connexion with those of some other scheme, or which of two or more contending schemes appeared preferable, in the event that only one should appear likely to receive the sanction of Parliament."

What, then, had the Board of Trade done? In some cases they had reported favourably, and in some they had reported in favour of postponement; and in doing so they had only acted in conformity with the recommendations of the Select Committee. The Select Committee also stated,—

"That the adequate and satisfactory discharge of their duties would entail upon the Board of Trade a great additional amount of labour and responsibility, and it was the opinion of the Committee that if the recommendations of that and of its other Reports were

adopted, it would be necessary to enlarge the Railway Department of the Board of Trade, and improve its organization,”—

leaving that matter to the decision of the Government. He repeated, that the Reports of the Railway Committee of the Board of Trade were in conformity with the recommendations of the Select Committee; and the Government never thought that in making these Reports the Railway Committee was acting at variance with the intentions of the House of Commons, which modified its Standing Orders, in order to meet the views of the Select Committee. With respect to the question which had been put to his hon. Friend the Vice President of the Board of Trade, he thought his hon. Friend had taken the proper course in declining to enter into a discussion of any supposed difference of opinion among the Members of the Railway Department. When the Members of that Department signed a Report, that Report must be taken to be their collective opinion; and to enter into a discussion about minor differences of opinion, which might have been removed by subsequent explanations, would have been most unwise. The Report in question bore the signature of every Member of the Railway Department, and the presumption ought to be that the Report was sanctioned by them all.

Mr. *Labouchere* had not complained of the Board of Trade for making these Reports; that was their duty, enjoined by the House. What he complained of was the mode in which the Board of Trade or the Government had thought fit to carry the recommendations of the Select Committee into effect by constituting the new Board. Nothing had passed in the House of Commons, and nothing appeared in the recommendations of the Select Committee which at all led to that conclusion. It was a cumbrous and inconvenient mode of proceeding—it raised subordinate Members of the Board of Trade to a parity with the President or Vice President, and was therefore a most inconvenient course in respect to a Public Department. With regard to the mode in which the duty imposed on the Railway Department had been discharged, he had expressed no opinion.

Mr. *Wakley* said, that there was no complaint against the Government or the Board of Trade which was not as applicable to the House of Commons; because what had been done last Session, had been done with the sanction of the House itself. It was

alleged that the system had not worked well, and it was hoped that a remedy would be applied. It was impossible that the right hon. Gentleman (Mr. Gladstone), while occupied as President of the Board of Trade, in the investigation of the different railway schemes, could divest himself of the weight of his authority as a Cabinet Minister. The right hon. Gentleman stated that they were to choose one of two things;—they must have a secret tribunal or none at all; and he then said, that he was perfectly satisfied with the mode of investigation adopted by the Select Committee of the Board of Trade, and that he was prepared, in his individual capacity, to defend the decision of the Board. If so, what harm was there in giving general publicity to their proceedings? At present, great dissatisfaction was given to a large portion of the public by the decisions of the Board; and in one case the whole of the West of England was dissatisfied. His own opinion was, that it would be infinitely better to have no tribunal at all than a secret one; its secrecy subjecting it to great suspicion.

Mr. *G. Bankes* wished to say, in consequence of an observation made by his right hon. Friend the other night, that he (Mr. Bankes) had come rather too soon before the House with his objections to the Report of the Committee of the Board of Trade,—that the reason he did so was, that he was in hopes of thereby stopping an arrangement which he understood was planned under the sanction of the Board of Trade, which he thought would be very injurious to the interests of the county which he represented. He understood that the Board of Trade had made themselves a party to that arrangement; and he believed that he could produce proofs that a guarantee had been given by the Board for the fulfilment of conditions which he considered would be most injurious to the county.

House in a Committee of Ways and Means.

FINANCIAL STATEMENT—THE BUDGET.] Question again put on the Resolution moved by Sir R. Peel on Friday.

Lord *John Russell*: I am very glad that the House, and the right hon. Gentleman, the First Lord of the Treasury, on Friday evening consented to postpone for another day the decision of the House upon this question, because the more I consider the question the more I conceive that its importance should be placed higher, and its magnitude regarded

greater, than the right hon. Gentleman seemed disposed to contemplate. If, like the hon. Gentleman the Member for Kendal (Mr. Warburton), who seemed to be enamoured with the Income Tax, and who thinks that it ought to be rendered permanent, I could approve of such an impost, then I should rejoice very much in the proposition of the right hon. Gentleman the First Lord of the Treasury, inasmuch as it is quite evident that the wish of the hon. Member for Kendal is approaching very near to its accomplishment. But for my own part, I have always been accustomed to consider the Income Tax as a tax, necessary indeed in times of great emergency—necessary, for instance, in the carrying on of a war of an arduous and costly nature, but at the same time that it was a tax subject to some of the greatest objections that could be urged against any tax. I have always been of opinion that inequality, vexation, and fraud were inherent in such a tax. It is impossible to deny its inequality, for no man can say that it is equal for a person who has an income derived from a landed estate, or from the funds, which he could leave to his children entire, is in the same position as a person in a profession—a surgeon or an artist—whose bread depends upon his health and the vigour of his constitution, and who, by the loss of a limb, or a defect of eye-sight, may at any moment be deprived of the means of earning any income at all. No man can say that these two persons were similarly situated. Neither can any person fairly deny that great vexation is inseparable from this tax. No one can deny that a person who is engaged in trade, and who must either submit to the payment demanded of him, or show all his accounts, and expose all the matters in which he is engaged to the persons appointed by the Government—no one can deny that such a person is not subject to very great vexation. And then, with regard to fraud and evasion, I believe no man who has been concerned in the collection of this tax will deny that his experience has shown that great frauds are practised under this tax—that the man of the most integrity and the most honour, and who gave his returns fairly, was subjected to the greatest imposition of the tax; while those who wished to evade the tax either found the means of doing so, or entangled themselves and the Government in the most expensive proceedings. Such being the faults of this tax, and having

heard from the right hon. Gentleman on Friday night that they were faults inseparable from it, I might have well conceived that by different modifications, and by alterations with respect to uncertain incomes, and by changing particular provisions which bore hard upon particular classes, the tax might be made more equal and less vexatious. The right hon. Gentleman has now had three years to overlook and observe the working of this tax, and there can be no reason, that I am aware of, why he should not make it more equal and less vexatious if he chooses. But the right hon. Gentleman declares that to be impossible, and he says that he will show by argument that any attempt of that kind would be an aggravation of its injustice. Now the right hon. Gentleman did not pretend to show—for that would be impossible—that the tax was not unequal, and that it was not accompanied by a vexatious and inquisitorial process; but what he argued on the last occasion when the Property Tax was imposed was this, that if they attempted to make any alteration it would lead to a greater injustice than that which it would cure. So that the right hon. Gentleman did not prove that these defects were such as could not be remedied, but he only endeavoured to prove that defects were inseparable from the nature of an Income and Property Tax. Now, I will not say whether I consider the right hon. Gentleman to be right in that statement or not; but at all events the right hon. Gentleman is a great authority for the assumption of that fact. What, then, is the conclusion? Why, that this is a tax whose great merit is its productiveness to the Revenue; and that it could only be imposed under the pressure of great necessity, and under most urgent circumstances. The right hon. Gentleman himself, when he proposed the Income Tax three years ago, stated special grounds for its imposition: he stated the necessity of providing for a financial deficiency; and said that although we were at peace with the Powers of Europe, yet we could not fairly be considered as living in a period of peace: and he then alluded to the events which were passing in the Mediterranean; to the war then waging with China; to the wars then carrying on in India; and to the expenses incurred from Canada in the West to the Indus in the East; and all these circumstances he pointed out as, although not amounting to an European war, yet as constituting a case of

emergency which, in his opinion, justified the imposition of this tax. Now, whether these circumstances amounted to a justification or not, I wish to make one remark upon the nature of the case which the right hon. Gentleman then attempted to establish. The right hon. Gentleman, in his further observations on that occasion, said, that in imposing an Income Tax he would not consider only the sum which it was requisite to raise in order to balance the income with the expenditure of the country, but he would make provision by an alteration of certain duties in the Customs for increasing the commerce and invigorating the industry of the country, and thereby make an experiment which he hoped would succeed in improving the condition of the people, and in time get back the revenue which he thus for the moment sacrificed. I think I am not inaccurately stating the grounds on which the right hon. Gentleman placed the tax when he originally proposed it. We had a statement from the right hon. Gentleman the Chancellor of the Exchequer, last year, to the same effect. That right hon. Gentleman, when bringing forward the Budget, said, that he would not at that time mention the effect of the various reductions of duty which had been made in the Tariff, because there were several reductions which had not come into full operation till lately, and he had not, therefore, the proper materials before him to make any statement; but he observed, that in the course of the next year the House would have the subject fully before it, and would then be enabled to see what effect those reductions of the duty had produced, and would be able to form a judgment whether the imposition of the Income Tax had been beneficial to the country or not. The right hon. Gentleman, stating the question in his usually very fair manner, remarked that he was not able, in the short experiment which had been made, to judge of the result of the changes which had taken place, still less could he say what course the House would next year think it proper to pursue; but that in that year the Income Tax must necessarily come under the consideration of the House, and it would then be their duty to determine what course they would take with respect to its continuance.

“Such being the circumstances,” (said the right hon. Gentleman the Chancellor of the Exchequer,) “I think it is obvious that I should not be acting a candid, or even an honest part, were I to attempt to induce the House to consent to a large reduction of

duties, the effect of which would be to prevent Parliament coming with an unfettered judgment to the consideration of the question, whether or no the Property Tax should be continued; because, if they were to assent to that large reduction of duties, the only option that would be left to them would be either that of continuing the Property Tax, or of incurring the risk of national insolvency.”

This was the statement of the right hon. Gentleman (the Chancellor of the Exchequer) last year. The right hon. Gentleman, the First Lord of the Treasury, on that occasion said, that he reserved the expression of his opinion on other subjects connected with duties and customs; but, I presume, the right hon. Baronet did not altogether conceal his intentions from his right hon. Colleague the Chancellor of the Exchequer; and that right hon. Gentleman naturally supposed that these were the grounds on which a proposal for the continuation of the Property Tax would be made; namely, the circumstances of the time and the result of the Tariff of 1842. Now, Sir, in bringing forward his proposition on Friday evening, the right hon. Gentleman the First Lord of the Treasury, lost sight of both these grounds. I certainly expected that the right hon. Gentleman would have shown, when calling for this impost—an impost of so important and unpopular a nature—what had been the effect of the reduction of the Tariff of 1842, and what were the peculiar circumstances of the present time which justified that call; but the right hon. Baronet scarcely touched upon either of those topics; nay, with regard to the reduction of the Tariff he never touched upon it at all. The right hon. Gentleman took another course—a very popular course certainly—and one which was well calculated to excite much enthusiasm on this (the Opposition) side of the House; but which is a course, I confess, that appears to me attended with considerable danger to the country. The right hon. Gentleman showed, in the first place, that if they went on without an Income Tax there would be a small deficiency of Revenue, as compared with the Expenditure, either this year or the next. That, it was contended, would have been a ground for the continuance of the Income Tax for a short time; and the right hon. Gentleman then referred to the statement which has recently been published and placed before the House as a justification of such a continuance. But the right hon. Gentleman went into a further detail, and enumerated a great number of taxes and

duties which he proposed to abolish; and when he had thus totally destroyed the surplus which remained, and left only a small surplus of 70,000*L.*, he then took advantage of that popularity which so sweeping an abolition of the taxes was sure to create, and then said to the House, "Now, you will, of course, consent with me to the re-imposition of the Income Tax." The result must be, that the tax which the right hon. Gentleman proposes is not a tax for three years, but is a perpetual Income Tax. Now, if the right hon. Gentleman had taken this course—if he had said, "Look at my Tariff, see what it has produced; see whether, even if I have not yet recovered the loss of revenue in consequence of the reduction by an increase of commerce, there is not sufficient ground to believe that, in less than three years, the full revenue derived from these reduced duties will be restored." If the right hon. Gentleman had adopted that language, then I should conceive that he would have been holding out some prospect that at the end of three years he might be able to abolish the Income Tax. But the right hon. Gentleman took no such course; he referred to those taxes, the greater part of which he proposed entirely to abolish. Now, I do not quarrel with him for going the whole length of abolishing a tax; for, in many cases, to abolish a tax altogether is better than to reduce a portion of it. This much, at all events, is clear, that the taxes enumerated by the right hon. Gentleman are entirely gone; you have no longer any revenue whatever from them. Such being the case, I ask, can you, at the end of three years, when you will have no less than five millions of taxes abolished, expect that those five millions will be replaced by an increased revenue derived from an increased commerce, consequent upon the reduction of those taxes? Can anybody mention a period in the history of this or any other country in which, in the course of three years, the general revenue was augmented by no less than five or six millions in consequence of the abolition of taxes? Let, then, the question stand upon this ground—that we are not indeed taking a final step, but that, unless some provision is made by Parliament hereafter—unless, while the Income Tax is passing through the House, some vote is come to, we shall be consenting to the imposition of a permanent Income Tax in a time of peace. This has always been considered essentially a war tax; and its imposition

is not justified by any circumstances short of those of peculiar danger in our foreign affairs; but the right hon. Gentleman says that we are living in a time of profound peace. It is not justified by any consequences which a reduction of duties may hereafter produce. That reduction may, no doubt, produce a great decrease of revenue; no great increase, indeed, can be expected from it. This, however, is the only ground alleged for the reimposition of the tax. If, therefore, you consent to the whole measures of the right hon. Gentleman (Sir Robert Peel) in their present shape, it will be neither more nor less than the imposition of an Income Tax, to be renewed, indeed, from time to time, but always to be renewed. Because the question will be, as the right hon. Gentleman the Chancellor of the Exchequer stated last year, that you would have no option between the renewal of the Income Tax and national insolvency; a view, I know, which many in the position of the Chancellor of the Exchequer would propose to the House when parting with five millions of revenue. Having a deficiency to that amount might be, figuratively, termed a national insolvency. Well, then, let us look a little at the statement which the right hon. Gentleman (Sir Robert Peel) made on Friday evening, both with respect to the financial grounds, and with respect to the commercial grounds on which it was founded. First, with regard to the financial grounds, I am not disposed to dispute with the right hon. Gentleman as to a great deal of what he said. With respect to Her Majesty not calling for any increase to her Civil List, we must all be rejoiced, at the same time that we are by no means surprised, that Her Majesty, with her usual feeling towards her people, should not wish to increase their burdens on her own account. The right hon. Gentleman stated also that there would be no increased charge on account of the Army; and in making this statement I thought he went to an unnecessary length in explanation of the Army Expenditure. The statement had often been made before by successive Secretaries at War, and by many of my Friends who are now near me. It had also been made by Sir Henry Hardinge, the right hon. Gentleman's late Colleague. That this country requires a very considerable Army is an argument which has always been successfully urged by every administration—as well Whigs as Tories. No Secretary at War ever failed to urge it on account of

his party. With regard to the Navy, I am rejoiced to find that the right hon. Baronet has devoted his attention to that subject. I regret that the right hon. Gentleman should have neglected this important branch of the public service when in power in 1834, and also during the last year; but I am delighted that this neglect is now giving way to a more vigilant attention, and a more earnest determination to promote that paramount establishment so essential to our insular position. Neither do I think that the right hon. Baronet need be at all alarmed, that this strengthening of our Navy, so essential to the very existence of this nation as a maritime power, will give the least umbrage or ground of complaint to any Foreign States. The increasing of our Naval force to the extent of ten sail of the line cannot possibly be a cause for jealousy, when it is borne in mind that England has always been considered a maritime power by other nations. It appears, however, by the statement of the right hon. Gentleman, that the estimates which he proposes are certainly very large—much larger than one would have been led to expect from the absence of all those causes which led to the necessity of increasing our expenditure some few years ago. In the year 1841, up to the 5th of January, 1842, our expenditure, including half a million expended in Canada and China, was 18,167,000*l.*; from the 5th of January, 1842, to the 5th of January, 1843, our expenditure, including 1,350,000*l.* expended in Canada and China, amounted to 19,118,000*l.* The amount proposed for the present year, as I understood the right hon. Gentleman to state, is 18,895,000*l.* These are very considerable estimates, without any peculiar causes for an increased expenditure, except in the Navy. For my part, I hope, when the Government shall propose these estimates, they will be able to show sufficient reason for their amount. I do not contemplate joining in any vote for any material diminution of those estimates. The consequence of voting them, however, will be to leave us, if we agree to the Income Tax, with a surplus of 3,400,000*l.* I now come to consider how this surplus is proposed to be disposed of. I could wish that it was to be applied in a manner that would give the greatest possible relief to the trade and commerce of the country. No doubt many of the articles which have been selected by the right hon. Gentleman, on which the duties are either

to be reduced or altogether repealed, are, as might be expected, well and judiciously chosen for relieving trade and promoting the commerce of the country. The tax on cotton is peculiarly well selected. Indeed, to impose a tax on the raw material is a system so utterly against all sound commercial principles, that I rejoice that the Government have taken the opportunity to get rid of that most erroneous system. With respect to the duty on glass, likewise, I quite concur with the statement of the right hon. Gentleman. I believe that that tax has very much impeded the improvement of that manufacture, and prevented our glass manufacturers from competing with foreign manufactures. The right hon. Gentleman has, therefore, in my opinion, acted wisely in repealing the duty altogether. But with regard to some other of the taxes which the right hon. Gentleman has dealt with, I am not quite so ready to concur in the wisdom or expedience of the course which he proposes to pursue. Take the tax upon auctions, for instance. I really do not see, if you wish to keep up a surplus, why 300,000*l.* should be given away by the abolition of auction duties. I am not much in the habit of concurring in the views of the hon. and gallant Member for Lincoln (Colonel Sibthorp), but I do think that the reduction of duty on fire insurances would have been a better application of the surplus, and would have given more relief than the abolition of the auction duties. The right hon. Gentleman said that no one had ever complained of the auction duty, and he really seemed to think that it was a merit on his part to have found out a tax for repeal, the imposition of which was not felt as a grievance by any one. I think that when a tax bears with undue pressure on the people, they are generally disposed to give the Chancellor of the Exchequer some gentle intimation of it. There have been some strong intimations made to that right hon. Gentleman, founded on very high grounds, against a tax which is connected with an article of great importance to the country. I allude to the article of soap. It does so happen that it is the only remaining tax on the necessities of life which are commented upon by Mr. Adam Smith. He says that the taxes upon the necessities of life are salt, leather, candles and soap. The taxes on salt, leather, and candles have been taken off, and soap is the only article of necessities remaining subject to taxation. However, I am not now calling upon the right hon.

Gentlemen to abolish the tax upon soap. On the contrary, I am rather of opinion that the right hon. Gentleman has gone too far already in taking off taxes. I think, in fairness, he ought to have said to the House, "I am proposing a perpetual Property Tax; do you think that a Property and Income Tax can be justly maintained by taking off the taxes which I now show you to be objectionable?" I now come to another part of the statement of the right hon. Gentleman, which has reference to his commercial plans. I should have expected that he would have shown the effects of the reduction of the duties by the Tariff of 1842. I think it would have been only fair to the House to have shown them the effect which those reductions have produced. Instead of which we have had a general statement that there has been an increase of revenue; and that the Customs have given a much larger return than was estimated; but we heard not a single word from the right hon. Gentleman with respect to the particular measure of 1842. Now, as far as I have been able to judge of the result from the elaborate table which has been presented to the House, it is quite possible, with regard to all those duties which were reduced by the right hon. Gentleman in 1842, that there has been a considerable loss of revenue, and that the great increase of revenue has almost entirely resulted from articles, the duties on which were not touched by the Tariff. With regard to the articles in the 5th, 1st, and 8th schedules of the Tariff, the total loss has been 550,000*l.*; with regard to the 6th schedule, the gain has been about 17,000*l.*, but that is upon articles on which the duty was not touched by the Tariff. On the 7th schedule, there is a gain upon such articles as were not touched by the Tariff, of 1,695,000*l.*, while there is a loss on those articles in the same schedule on which the duty was reduced of 686,000*l.*, leaving a total of gain on that schedule of 1,009,000*l.* So far, therefore, as that statement goes, it would appear that the principle followed by the right hon. Gentleman in his new Tariff has not been successful—that the gain which has taken place had been entirely owing to the improved condition of the country, to the bountiful harvests which we have had, and to the revival of trade and manufactures, and in no respect has it been owing to the changes made by the Tariff of the right hon. Gentleman. The right hon. Gentleman the Vice President of the Board of

Trade may have a case to show against this, which, on its first appearance, is *primâ facie* evidence against the measure of 1842; but, if it be so, I think the right hon. Gentleman the First Lord of the Treasury should have informed the House what his case is, and why it is that there has not been, as he expected, a considerable increase in the consumption of those articles upon which he has reduced the duties. The right hon. Gentleman proposes to deal with no less than 430 articles, on which Import Duties are now levied, by abolishing the duties altogether. With respect to some of these articles, the reason why they produce so small a revenue is, that the right hon. Gentleman, in 1842, changed the duty upon them. I think it is a rather strange proceeding, first to diminish the revenue on these articles, and then to say, because they produce so very little revenue, you will repeal the duty altogether. At the same time the principle no doubt is a good one; it is better than that of merely reducing the duty, for the more simple you can make the Tariff the better, and in regard to many of the articles no doubt the course of the right hon. Gentleman is proper. But there is another branch of duties with respect to which the right hon. Gentleman has dealt differently. With regard to duties on exports, the impolicy of such duties, in a commercial point of view, has long since been agreed upon by all men who have devoted their minds to the subject. The proposition that trade ought not to be fettered by the imposition of export duties on the produce, or import duties on the raw material of the manufactures of the country, has been assented to by every statesman whose opinion is of any value. These principles, both the abolition of export duties, and that no duties should be charged on the raw materials of any manufacture, are excellent, but they have been for a long time acknowledged. In the year 1721, Sir Robert Walpole made an alteration in our Commercial Laws very similar to the proposition of the right hon. Gentleman, in which no less than 130 articles were affected. In respect to them there is very little to dispute—everybody is glad to have the advantage of such a change. No one wishes to contend against the right hon. Gentleman, that it is not a good thing to take off the duty on cotton wool. No one, especially if belonging to the north, wishes to see the export duty on coal continued;

therefore, the right hon. Gentleman has done right in taking the opportunity of acting upon these great principles, where he is not likely to meet with any opposition to their application. But there is another principle which was not so early acknowledged, on which the right hon. Baronet ought also to act. It is a principle of which Sir Robert Walpole and the statesmen of his day were ignorant, but which was fully developed and proved to demonstration by that great man and great writer, Adam Smith, and was afterwards acknowledged to be a most just principle by no less an authority than Mr. Pitt: it is the principle which affirms, that you ought not to have protective duties—that in endeavouring to protect certain branches of manufacture, or certain classes of industry, you are in fact doing injury to one part of your fellow-subjects for the apparent benefit of another; that, after all, this benefit is only apparent, because that very class on behalf of whom you commit injustice—on behalf of whom you deprive the consumer of the article he would wish to buy—that very class itself is, in the long run, injured by the diminished trade in their own produce. But this, though a sound principle, and though proved by the greatest writers, though acknowledged by Mr. Pitt, by Lord Grenville, by Mr. Huskisson, and by all who have ever taken part in commercial legislation worthy to be named, is not yet recognised by the party at the head of which the right hon. Gentleman himself at this moment stands; but is still opposed, or at least scarcely admitted, by a large class of the community. On the contrary, whenever any change of that kind has been proposed, it has always found fierce and violent opponents in the protected interests, who contend that, not only they themselves, and those belonging to their class, but all who are connected with that branch of national industry, are concerned in opposing the application of that sound principle. Seeing the opposition that will always be made to getting rid of such protection, and the manner in which various interests in the state are interwoven, it is of course difficult to accomplish an abrupt change; and the theoretical writers and statesmen I have mentioned, showed their wisdom in recommending caution and deliberation in such a proceeding; but they never doubted that it is our duty to proceed onward from time to time towards the complete adoption of this wholesome principle of legislation, to

treat all classes equally, and not to interfere with what is the proper and inherent right of the subjects of the State. If there be no law on any such subject, it is not in itself a fit matter for legislation. If you find a person committing a fraud or a felony, it is a proper subject of legislation to punish him, and to prevent such crimes in future; but when a man is toiling from morning till night in order to produce a piece of manufacture which he wishes to exchange for some other article by which his family may be maintained, it is an act worthy of all praise, and you ought not to interfere and check his exertions by legislation. How perverted, then, is that legislation which turns from its legitimate object of punishing crime and checking vice, which it insufficiently prevents, and discourages industry by interfering with the exchange of its products, and tries to control that spirit by which men are naturally impelled to obtain an honest subsistence, and improve their condition. If these be just principles of legislation, and if the great men I have mentioned are authorities, it ought to be the endeavour of a person so enlightened as the right hon. Gentleman professes to be, and really is, on these questions, not merely to acknowledge sound principles, but to break down restriction and to abolish unjust monopoly, and with all due care to restore a more natural condition of society. With one of those great monopolies the right hon. Gentleman interferes on the present occasion, namely, with the article sugar; but, let me ask, does he interfere in such a way as to promote, and, in the end, bring about a just plan of legislation? On the contrary, does he not propose to continue, by a law he is about this year to introduce, a prohibition as to other countries, which, but for that law, would send us sugar at a cheaper rate than we can procure it from our own Colonies? The right hon. Gentleman intends to persevere in the existing prohibition, on the ground, repeatedly urged, that the excluded sugar is produced by slave-labour. I think, with regard to that pretext at least, that we should drop it, and proceed upon more rational as well as honest principles. Suppose that a negotiator, whose name I do not know, but who is said to have been sent from Brazil to Germany, should visit this country on his return, and propose to us to admit sugar produced in Brazil, he would say,—“You have no objection to admit slave-grown coffee, cotton, and to-

bacco?" Our answer would be,—“None in the world;” and he might continue,—“You have no objection to admit other slave-grown articles, and even with respect to sugar itself you have no objection to send your manufactures to Brazil, and bring back sugars which you afterwards export to the north of Europe.” “We have no objection whatever to that,” we must answer; “and we have no objection also to consume the articles we get in return, whether hemp or other commodities. Upon that point we feel no scruple; and it is very true also that slave proprietors obtain our manufactures; and it is much the same to them whether we consume or only export their sugars.” “But still I understand,” the envoy would continue, “that by the legislation of last year, though you have scruples in admitting Brazil sugar, you have no scruple in admitting free-labour sugar; and as to certain countries, entitled to the benefit of the most favoured clause of your reciprocity Treaties—but which are slave States—you have, by an Order in Council, admitted their sugar; there is, for instance, a positive order allowing the introduction of sugar from Venezuela.” That fact cannot be denied; and after allowing it, how can the Legislature of this country say,—“It is very true that we admit slave-grown coffee, cotton, and tobacco; it is very true that we receive slave-grown sugar, refine it, send it to the north of Europe, and consume the articles obtained in exchange; it is very true that we take the sugar of Venezuela; but still we have scruples which prevent us from consuming the slave grown sugar of Brazil.” Would not the Brazilian agent have a right to laugh in your face when he listened to such ridiculous pretences? Then, as to the other objection to the plan about to be proposed this year. I heard the right hon. Gentleman say, in answer to a question from my right hon. Friend, that he did not at present think of proposing that the Sugar Duties should be made perpetual, but that it would be expedient to continue them in the usual mode. It is much the same whether he does or does not continue them from year to year; while he keeps up such absurd distinctions, every year the Sugar Duties must be discussed in this House. It does not much signify whether the subject is formally brought forward by the Chancellor of the Exchequer, it is sure to be brought forward by somebody. I do not object that the right hon. Gentleman makes a distinction—if the Custom House

Officers and others say that it can be made—between raw and clayed sugar. A different degree of manufacture is a distinction—if it can be ascertained—in the same way that you distinguish between leather, and boots and shoes. In cases of that kind you are justified in imposing a different duty; but in the case under discussion, opinions are likely to vary, and you are not justified in imposing a discriminating duty. This, however, is a question of practice into which it is at present unnecessary to enter. But as to the great sacrifice of revenue—1,300,000*l.*—which must be made under the right hon. Baronet’s plan, I think that you might have made a great approach to the principles of free trade, by at once admitting the sugars of other countries, under an equitable duty, and yet have maintained the amount of revenue you at present possess. There is no need to abandon that large portion of the national resources; and I say of the plan of the right hon. Gentleman in general, that to propose an immediate reduction of nearly the whole amount of your surplus of 3,400,000*l.*—for the plan of the right hon. Gentleman will absorb the whole of that, except the small sum of 70,000*l.*—and to propose to put your Income Tax on under such circumstances as may, in the words of the Chancellor of the Exchequer, leave you no alternative three years hence but either to continue the impost, or be in a state of national insolvency, is, I think, very impolitic. I do not think it fair to the House to propose such an alternative, without a declaration on the part of the Government that such is the intention; and without answering this question—whether they consider the Income Tax to be one of the best sources of permanent revenue? If they are of that opinion, let the House fairly deliberate upon that point; and let it ascertain, likewise, either through the intervention of a Select Committee, or by means of a Committee of the whole House, whether some of the great injustice and inequality of the tax may not be diminished. In the next place, I say, with regard to your commercial reforms, that you have hesitated to follow up right principles—and principles which you acknowledge to be right—upon matters where you were likely to meet with opposition. You have, indeed, acted upon these principles, when your doing so is agreeable to everybody, and when no contradiction is to be expected; but where great interests are concerned, where oppo-

sition may be looked for, but where the Government is bound to declare what is the real interest of the country, there you propose, not only to continue, but to aggravate the monopoly you find in existence. My view is, that as the Income and Property Tax is to be renewed for the present, the right hon. Gentleman should not make all the reductions he proposes; he ought to make the reductions on cotton and glass; but with respect to other articles, some I would not touch at all; and as to the great article, sugar, I would recommend that you should take a totally different course. I have already said that I consider protection the bane of agriculture. I maintain that opinion with reference to all the protected interests; and I think it was shown demonstrably, when Mr. Huskisson many years ago proposed his alteration of the Silk Duties, that monopoly placed the manufacturer in a condition of continual variation; and that if at one time he was making large gains, at others he was in a state of miserable depression. On the subject of the Timber Duties, I apprehend it has been proved that the undue favour shown to Canada has been productive of injury to the great interests of the Colony. That fact has been affirmed by Mr. M'Gregor, who examined into the state of our North American Colonies, and looked into the books of some of the farmers in our North American possessions, and found that they had made a profit by the cultivation of the soil, but that they had been ruined by their speculations in timber. It will be the same with other protected interests; but I have said already, and I say again, that such interests are to be touched with care—that the system is to be changed gradually, and carefully, rather than suddenly and abruptly. That is a matter for future deliberation and discussion; but of this I am confident, that if you wish to get rid of the Income Tax you should take the mode of endeavouring to improve the condition, and increase the prosperity of the empire, by opening new markets, and admitting large imports, increase your exports, and find a fresh demand for labour; and by augmenting the consumption of those articles which you restrict by your imaginary favour and protection. Then, indeed, you might look forward, at the end of three or five years, to the abolition of your Income and Property Tax; but if the question be between a perpetual Income Tax, and the continuance of monopoly and restriction, I declare for the Income

Tax, and a diminution and final abolition of all monopoly. Entertaining these opinions, I certainly cannot give any hearty assent to the proposition in the hands of the Chairman. At the same time, I see that it is impossible for me to refuse my assent to the renewal of the Income Tax for three years; but I give it, not from the wish of making the tax permanent. I regret that the right hon. Gentleman has taken a course which may make it necessary to continue this burden from time to time; but my hope is that the pressure of this inquisitorial impost will at length open the eyes of the people to the disadvantages they suffer as consumers from existing restrictions and monopolies, and induce them to seek to set trade free, not only in order to procure greater benefits and enjoyments, but to put an end to a tax which I think, in time of peace, ought not to be imposed.

Mr. Roebuck felt disappointed by the conclusion of the speech of the noble Lord, who had impugned every principle of the plan of the right hon. Baronet, and opposed almost all the items of the Budget, yet ended with a declaration which the noble Lord knew could not be fulfilled. The noble Lord knew as well as he (Mr. Roebuck) did, that the statement that the Income Tax was to be renewed for three years, was a mere phrase in the mouth of the right hon. Baronet, and that henceforward it would be a permanent tax. On this account he had been disappointed by the speech of the noble Lord. Why had it been made? For what purpose was it intended? He supposed, simply to find fault, and to guard the noble Lord from any consequences that might follow the scheme. He would not take the noble Lord as his model; he believed the proposal wrong in principle from beginning to end, and he therefore intended to conclude by a substantive amendment. Seeing that the noble Lord objected also to the principle as well as to the items, he hoped that the noble Lord would divide with him. He would assume, for the purposes of argument, that the Income Tax was to be permanent, and although the hon. Member for Kendal (Mr. Warburton) was not present, and although he (Mr. Roebuck) was not *pari tanti viri* on such a subject, he thought he could show that the permanence of the tax would add to its odious consequences. In reference to the Budget, he thought it right to draw a broad distinction between the proposition of the Minister and the plan which the House

sanctioned. The right hon. Baronet might be in a position to do no more good than he proposed ; and the evil, therefore, was to be laid at the door of the House. He believed that the Minister had attempted as much as he could hope to accomplish ;—he had gone farther than his predecessors, and the benefit he was about to confer was great. He had propounded good principles, but he had hesitated, as the noble Lord said, in applying them, and the hesitation arose out of the influences by which the right hon. Baronet was surrounded. To those influences he (Mr. Roebuck) would afterwards advert, and not visit the Minister for erroneous measures which were imposed on him by the House. He would assume that the estimates of the right hon. Baronet were accurate ; and the right hon. Baronet had stated that in April, 1846 and 1847, the income would, in a small degree, fall short of the expenditure. He would not quarrel with this opinion, and he would concede that the statement of the Minister was correct. The right hon. Gentleman had said that a great portion of the Expenditure was beyond his control, and that the interest of the National Debt, which they could not touch, was 29,000,000*l.* The payment of that debt was a sacred duty, and he hoped never to live to see the day when a British Minister would attempt to withhold the payment. There were 7,000,000*l.* besides, with which the right hon. Baronet could not grapple, including the Civil List of Her Majesty. The right hon. Baronet, in phraseology which had a little alarmed him, had told the House that he was not about to ask the House to increase that Civil List by a single shilling ; he was sure that the right hon. Gentleman did not mention this by way of a vain-glorious boast, at the performance of an imperative duty by Her Majesty—he was sure that the right hon. Gentleman did not mean to lay the foundation of a future appeal for an increase of the Royal Income, which was already larger than that of any monarch in the world : the right hon. Baronet's object, he believed, was to show that Her Majesty set an example of rigid, necessary, and honourable frugality to Her subjects. In Her peculiar position She was especially bound to observe that frugality, seeing that She lived on the labour of others. Yet, inasmuch as the temptation to a contrary course was great, the right hon. Baronet had wisely held up to observation and praise the frugality of his Sovereign. This he took to have been

the object of the Minister, and he (Mr. Roebuck) would concede at the outset that the right hon. Baronet could not meddle with 35,000,000*l.* or more of the National Revenue ; but he had admitted that there was still a margin of 13,000,000*l.* with which he could deal. There were two great branches of the expenditure with which they were compelled to meddle, the Army and Navy. The right hon. Gentleman contended that the sum of 13,000,000*l.* could not be reduced. He admitted the accuracy of the description which the right hon. Gentleman had given of the Army ; and as far as the present system of reliefs to the Colonies was concerned, he was disposed to admit that the right hon. Baronet had made out his case. It was, however, a matter of grave consideration whether our Colonial Empire bestowed upon the mother country all the benefits implied in our anxiety to retain it ; but, if we were determined to indulge in such expensive luxuries—if we must have an Empire upon which the sun never sets—of course we must pay for them. The expense of maintaining an enormous army for that purpose was not to be laid at the door of the Minister ; it was the act of the House. Such was not the case with the items of the Navy, which the right hon. Baronet proposed to increase. He had stated that there were three new naval stations—China, the Western Coast of Africa, and the Pacific. He would dismiss the others, and go at once to the Western Coast of Africa, the most disgraceful and the most expensive. The right hon. Baronet, in alluding to this subject, had led the House to believe, as he (Mr. Roebuck) believed, that all our efforts to put down the Slave Trade had failed. All experience taught that the foreign Slave Trade would never be put down by the exercise of the Right of Search. It only exasperated existing evils ; it would lead only to expenditure and disaster, and moreover must inevitably end in collision with the commercial navy of the world. Of the application of public money to any such purpose, he, therefore complained ; and he thought that the right hon. Baronet, pursuing another course, might have saved the public money, and ensured the general peace. He now came to another point. In April, 1847, there would still be a small deficiency, and for the purpose of supplying it the Income Tax was to be continued. As the Income Tax produced 5,000,000*l.*, it would be at least 3,000,000*l.* more than was wanted. The

right hon. Baronet was bound, therefore, to make out these propositions:—First, that the expense he wished the House to incur was legitimate expense; next, that the proposed means of meeting the expenditure was not only better than that to which he should presently allude, but the best within his power. The right hon. Baronet went a step farther. He not merely asked Parliament to incur the expenditure, but to alter a great part of the commercial taxation of the country. The right hon. Baronet was bound, therefore, to establish that the Income Tax was not only easily paid, but that it was better calculated than the other taxes to promote the interests of the country. Granting for the moment that the expenditure must be incurred, he asserted that the Income Tax was onerous, mischievous, and obnoxious, and that the taxes proposed to be remitted were not so onerous, so mischievous, nor so obnoxious. In the third place, he was prepared to prove that there was another and a far better mode of meeting the deficiency. He was about to oppose the plan as a fiscal regulation, independently of the mode of meeting the expenditure. He would undertake to show that there was in the power of the Minister a legitimate, honourable, honest, and equitable tax which would procure the 2,000,000*l.*, which was all that was needed. He maintained that the Income Tax, whether permanent or temporary, was unequal. He took it to be a rule in taxation, that each man ought to be taxed according to his power of payment; that power depended on the amount of his wealth, and he would now proceed to show that a man who derived an income from fluctuating labour, was not so rich as the man who derived an equal income from the fee-simple of land. He would instance the case of two men, forty years old, each with 1,000*l.* a-year, the one arising out of his labour, and the other out of his land; the one from professional exertions, the other from fee-simple inheritance. He would place these two men on the Exchange as about to sell their property; and while the landowner would easily obtain thirty years' purchase, the talent-owner, under the most favourable circumstances, would not obtain six. Thus it was indisputable that the real wealth of the two parties was widely different; and the pressure of the tax upon the one was infinitely more severe than upon the other. The right hon. Baronet could not quarrel with this proposition; but what was his

answer? That the variation in the nature and value of property was so fluctuating, transient, and imperceptible, that it was impossible to draw a line between them. The Income Tax had this peculiarity—that it was not determined by any general rules; that it depended upon each man's particular case; and that when A. or B. sent in their return at 2,000*l.* a-year, the tax-gatherer was to ascertain, if possible, whether they did not in fact gain more. Thus special circumstances determined the amount of the tax without any general rule. Why, then, should not this plan be adopted, instead of that of the right hon. Baronet? Let every man return the extent of his income, and the sources of it, together with his age, and let a fair calculation be made of the worth of the property, and of how much per cent. ought to be taken from it. Every man's circumstances would then be judged of as now. The plan would not be more intricate than now: but the evil of inequality would be remedied. He did not agree in the complaint against the inquisitorial nature of the Income Tax; but he believed that the feeling of the public was quite the contrary. He admitted that the tax was odious and oppressive, but not inquisitorial. But the question was, how to get rid of the difficulty? His answer to the question was, that for a fiscal regulation, and the class from which the revenue would be derived, sufficient protection would be afforded to the State if the oath of the party were taken. This proposition might startle the Chancellor of the Exchequer and men accustomed to official life; but he would call to the recollection of the right hon. Baronet that the doctrine of chances was now extremely well understood, and that at this moment a society had been established, and attended with great success, to protect parties against the frauds of servants. In a remarkable original work, recently published, entitled, "*Vestiges of the Natural History of the Creation*," he found the following passage:—

"It was proposed to establish in London a society for insuring the integrity of clerks, secretaries, collectors, and all such functionaries as are usually obliged to find security for money passing through their hands in the course of business. A gentleman of the highest character as an actuary, spoke of the plan in the following terms:—'If a thousand bankers' clerks were to club together to indemnify their securities by the payment of 1*l.* a-year each, and if each had given security for 500*l.*, it is obvious that two in each year might become de-

faulters to that amount, four to half the amount, and so on, without rendering the guarantee fund insolvent. If it be tolerably well ascertained that the instances of dishonesty (yearly) among such persons amount to one in five hundred, this club would continue to exist, subject to being in debt in a bad year to an amount which it would be able to discharge in good ones. The only question necessary to be asked previous to the formation of such a club would be, may it not be feared that the motive to resist dishonesty would be lessened by the existence of the club, or that ready-made rogues by belonging to it might find the means of obtaining situations which they would otherwise have been kept out of by the impossibility of obtaining security among those who know them? Suppose this be sufficiently answered by saying, that none but those who could bring satisfactory testimony to their previous good character should be allowed to join the club; that persons who may now hope that a deficiency on their parts will be made up, and hushed up, by the relative or friend who is security, will know very well that the club will have no motive to decline a prosecution, or to keep the secret, and so on. It then only remains to ask whether the sum demanded from the guarantee is sufficient? The philosophical principle on which the scheme proceeds seems to be simply this, that amongst a given (large) number of persons of good character, there will be, within a year, or other considerable space of time, a determinate number of instances in which moral principle and the terror of the consequences of guilt will be overcome by temptations of a determinate kind and amount, and thus occasion a certain periodical amount of loss which the association must make up."

What was the application of that principle, if applied to the Income Tax? Statistics would soon tell them the number of cases in which a chance of immorality of that description would occur, and they might therefore guard against the consequences of it. But he would make this appeal to the House, to the country, and to the right hon. Baronet himself—could it be said that the morality of this country was reduced to solow an ebb that they could not trust the classes upon whom they levied this tax, upon their oaths, to state their power of paying it? Could it be said that the country was so reduced in morality as that all classes were unworthy of belief? He thought, however ludicrous it might appear at first sight, that they would find this to be by far the fairest and safest guide to go by, and thereby they would avoid the inquisitorial nature of the tax, obtain what they required in the way of revenue, and not work all those mischiefs

of which the people now so much complained. But now he came, supposing the right hon. Baronet should not change his views; supposing he was determined to continue this obnoxious tax—he now came to the next part of his principle, namely, to take off a certain portion of taxation for fiscal purposes: and he was bound to make the inquiry, were the mischiefs of the tax about to be imposed less, in the first place, than the mischiefs of the various taxes about to be taken off; and had the right hon. Gentleman determined on the mode of taxation which was best calculated to ensure the public benefit? What was the principle upon which he proceeded? Unfortunately for this country, every Minister in the right hon. Baronet's position was obliged to look round him, and say, "What are the interests which I have to face?" The noble Lord, the Member for London, had remarked that the right hon. Baronet had been influenced by certain interests—and what were they? He had swept away, in round numbers, 3,400,000% of taxation, but not one of the articles upon which he was about to remit taxation crossed any one of the great interests of this country. The right hon. Baronet had certainly done great service—he had cleared away much of the brushwood which encumbered the land, but he had left the giant trees of monopoly standing erect and untouched, to be hereafter assailed by some more powerful hand. But now that the right hon. Baronet had cleared away the brushwood, he hoped to see the time when some one, following in his footsteps, would cut down these overpowering monopolies. What were they? The monopoly granted to the landowners, and to the Colonial interests of the country. He was surprised to see the delicate manner in which the noble Lord handled this part of the subject. In speaking of the sinister interests of agriculture, the noble Lord touched it most lightly, as with the hand of an artist. There was great reluctance to attack the sinister selfish interest of agriculture. ["Oh!"] Yes, he would not mince the matter! He meant those who derived advantage from the Corn Laws, and they had a party in the House strong enough to coerce the Minister to support them; and the Minister was really hardly to be blamed, when so beset as he was. The interest of agriculture was the predominant one in this country: not only protecting its own monopoly, but, by a sort of sympathy natural to such sinister, selfish interests,

it protected all other similar monopolies. The landowners said to the Colonial interest, "Support me, and I'll support you; you support Corn Laws, and I'll support Sugar." Now, for a moment he would leave out of consideration this giant evil. He knew it was useless to talk about it at present—it was all predominant, and would do pretty much as it liked: but what he complained of in this case—and he would show it clearly to the right hon. Baronet, the House, and the country—was, that the right hon. Baronet had made a concession upon two articles that would cover the deficiency for which he the right hon. Baronet demanded the Income Tax. Those two articles were sugar and timber. The right hon. Baronet said that, by the sugar duties, which he was about to take off, he would incur a loss of 1,300,000*l.*; and by the timber duties which he had taken off last year, there had been a loss of 900,000*l.* There was then upwards of two millions of money lost to the Revenue by these changes. "Oh, but" (it would be said) "do not we confer a great benefit upon the community? Have we not given them (as the right hon. Baronet said on Friday night), sugar at 1½*d.* per pound less?" No, they had not, and he would show it. If, instead of reducing by this 10*s.* (or whatever it might be) the duty upon Colonial sugar, they had equalised the duty upon that article coming from all parts of the world, the people would have had it as cheap as the right hon. Baronet had now promised them; and he would not have lost the 1,300,000*l.*, because capital being employed, as it would then have been, most productively, sugar would have been sold at the same rate, and yet have paid the duty. But the right hon. Baronet had sacrificed the 1,300,000*l.* a portion of which he had given to the West India interest, and a large portion he had utterly thrown away. He should like to hear an answer to that. He did not want to hear the nonsensical story about free and slave-labour sugar. He should like to hear the right hon. Baronet explain how he avoided the consequence resulting from such a measure. He should like him to show how the curiously worded Act of last Session could let in slave-grown sugar from Venezuela, and yet not touch upon that great principle of which the right hon. Baronet was the ardent supporter. He wanted to know, too, how it was that he admitted the enormous import of slave-grown cotton. Did not that excite his feelings at the horrors of slavery

just as much as the import of other articles from Virginia and Brazil? And if he (Mr. Roebuck) was not much mistaken, the sugar grown in China, Manilla, and India, might be the produce of slave labour also; and, therefore, the whole distinction from the beginning to the end—though upon that the House was called upon to act—was a farce. It was clear that if the right hon. Baronet had lost 1,300,000*l.* by this change in his fiscal regulations, that, as he had before said, the benefit of it would be partly given to the West India planter, and a large portion of it thrown away. And why? Because the capital would be employed less productively, and to get the same supply of sugar they must employ more labour and capital, and all the difference between that and the capital and labour which would be employed, if capital were left free, would be thrown away. In the case of timber, it was precisely the same, with this addition—he did not know whether Brazilian sugar, at the same price, was much better than West India sugar—but this he knew, that they got from Canada a timber not only dearer, but much worse in quality than Baltic timber. They were compelled to buy that timber at a higher price, it rotted sooner, and therefore they lost at both ends. Thus, then, was the 900,000*l.* also thrown away. He knew something from experience of this matter, and it must have been known from the beginning that this loss would take place; but if the duty had been equalised upon Baltic and Canadian timber, they would have had from Canada the large fine timber for the purpose of masts which that country produced; and oak, and all other durable timber, would have come from the Baltic, where it could be obtained at a cheaper rate and of finer quality. But had the right hon. Gentleman equalised the duties on timber from the Baltic and from Canada; on the pines and firs from Canada for tall masts and similar purposes, and on the hard oak from the Baltic, the consequence would have been that the 900,000*l.* now lost, would have been returned to the Exchequer, and the people of this country would have got a better and a cheaper commodity. What was the answer made to this? The right hon. Baronet was now about to impose upon this country an Income Tax, odious, oppressive, and unequal. What was his justification? "That he was about to favour these Colonial interests in these two fiscal alterations, which were based on a principle that was false in every way, and led to the conclusions to which

he had adverted, and to which he should very much like to have an answer." Having, therefore, impugned the proposition of the right hon. Gentleman, that there was a necessity for the change, let not the Chancellor of the Exchequer meet him by starting the difficulty of a national bankruptcy. He believed, that by putting on a fair Property Tax, without reference to income, all the ordinary demands could be met. But for all the remaining portion of the expenditure, there was no answer to be derived from the plea of insolvency; the question must be explained on other grounds; and he asked Her Majesty's Government why they did not meet the increased expenditure that was about to follow by equalising the duties on sugar and timber, and at the same time free this country from the odious inquisition of an Income Tax? He did not believe that the right hon. Gentleman could face the agriculturists and landlords of this country. He did not think it was in the power of the right hon. Gentleman to do so; or he would carry out the principle so often announced, and ensure the reality of a free trade, so that capital in the hands of intelligent men should not be interfered with. There was great art exemplified in the formation of the right hon. Baronet's scheme. There was a curious appeal silently made to many powerful men. Paisley, Glasgow, Manchester, and other places were finely touched off, and certain allusions were made to certain interests; and then there was the right hon. Gentleman's operation upon coal. Let the House understand that the right hon. Gentleman's operation upon coal would not benefit this country one atom. [*Mr. Warburton*: "Hear, hear."] He understood the terrors connected with the cheer of his hon. Friend the Member for Kendal about coal; but he was not under the influence of those terrors at present. If the alteration would be beneficial to anybody, the coal-owners of the north, and those who dealt in coal in foreign countries, were the persons; and so far from agreeing with the noble Lord in his principles of political economy, that exports should not be taxed, he believed that the real political economy, was to tax exports, because that was the way to preserve the resources and productions of the country for its own use. For that reason he would put a tax upon the export of coal. He would say nothing about the auction duty, but that he thought there were many more pressing taxes to which the right hon. Gentleman might have given

his attention. However, the right hon. Gentleman seemed to think that an enormous expense was attendant upon the levying of that duty, and that while it was a very onerous tax upon the public at large it was of very little value to the Revenue, because it did not return in proportion to the expense. That he understood to be a very good argument, as far as it went; but he thought that far less ingenuity than the right hon. Gentleman possessed would have suggested hundreds of instances in which he might have considered matters pressing more strongly than this duty for consideration. Generally viewing the whole subject, however, he might state it would yet be found that the right hon. Gentleman had done much good by his proposition. He believed that the right hon. Gentleman was clearing the way for reforms yet to come, some day or other, of a more beneficial character. The right hon. Baronet appeared to him to be making a series of experiments. He was going through them and clearing the ground; and by and bye the three or four large monopolies would be left standing naked to the gaze of the world, and all the world would see their noxious and overwhelming influence, and the Chancellor of the Exchequer would be compelled to assail those overwhelming mischiefs. This he believed to be the greatest advantage to be derived from the labours of the right hon. Gentleman. Not that he believed, as the right hon. Baronet believed, that there was any likelihood of an increase of trade in any one point. He did not expect any advantage to the community at large from the right hon. Gentleman's scheme, except in a roundabout way. But it was right that the House should understand their position, and to what extent they were to be committed to this scheme. He believed it would lead neither to an increase of the means of the country, nor to a decrease of its burdens, but that it might give facility to those who should come hereafter to attack and destroy the monopolies left standing by their predecessors. One word with respect to the tax upon glass. He was not about to anticipate the discussion upon the window duties, which he hoped the noble Lord his hon. Colleague would bring forward as early as he could; but he could not understand the argument of the right hon. Gentleman, who said he would give cheap glass to the people, which would be a much greater benefit than the repeal of the window duties. What was the fact? It would be seen that this cheapness of glass would

be a benefit accruing to the rich rather than to the poor, to those who required the fine chandelier and the large conservatory, rather than to those who wanted food and raiment. But finally, seeing that the repeal of the duty on glass would go to remove some disagreeable excise regulations, he thanked the right hon. Baronet for it. Yet as the duty on glass was admitted to be an exceedingly onerous and vexatious one, so it followed, in the same category, that the right hon. Gentleman would find that the same argument, which in 1845 was overwhelming in respect to glass, would, in years to come, be overwhelming with respect to soap and other important articles of consumption. He would now propose to leave out the words, "professions, trade, and offices," from the Resolution submitted to the House, by the right hon. Baronet; not for the purpose of excluding them from taxation altogether, but for the purpose of hereafter subjecting them to that regulated species of taxation which he had already described. He wished hon. Gentlemen not to understand that he was attempting here simply to propose a Property Tax in the ordinary and common acceptation of the term, but to introduce the principle which he should like to see carried out, of making a man pay according to his means. For that purpose he used the word properly in the Resolution, thinking it would include all the sources of income, and that the House might hereafter make any regulations, if requisite, in relation to the Act. The hon. and learned Gentleman concluded by formally moving the Amendment he had just announced.

Sir G. Grey wished to ask any Member of the Government, before the debate proceeded further, to clear up the ambiguity which attached to the subject since the notice had been given of the proposition which the right hon. Baronet on Friday night had submitted to the House. In the Speech from the Throne, it was intimated that it would be recommended to Parliament to consider whether it might not be expedient to continue for a limited time the Tax upon Property and Income, and to consider also whether other taxes which bore upon industry might not be taken off. The right hon. Baronet, in strict accordance with that recommendation, had placed upon the Notice Book a Resolution which went to pledge the House to the continuance of that tax; and in his speech of Friday night last, after having taken an extended survey

of the financial state of the country—having stated what his views were with regard to the reduction of taxation, the right hon. Baronet had stated again in emphatic language—in a tone marked with unusual sincerity—that it was his confident expectation, in making this proposition to the House, that it might be in the power of the House, at the expiration of the limited period of three years, for which he asked that the tax should again be renewed, to dispense with it altogether. The hon. and learned Gentleman who had just addressed the House, appearing as the exponent of the policy of the Government, had, however, told them, with a gesture of significant contempt—if the hon. and learned Gentleman's version of the right hon. Baronet's speech was correct, that it was all a farce, and that they were acting under a gross delusion if they attached any credit to the statement, so confidently, and apparently so sincerely, made by the right hon. Baronet. He, therefore, trusted that either the right hon. Gentleman or one of his Colleagues would state the grounds of that confident expectation before they called upon the House to affirm the Resolution. He for one, opposed as he was to this tax three years ago, was then fully prepared to give his assent to the tax as he was now to reimpose it, provided it was *bonâ fide* to be continued only for the limited period mentioned by the right hon. Gentleman. He would not even positively call for a pledge that the tax should be removed at the end of the three years, provided, at the end of that period, the House had the power of exercising its discretion as to whether the tax should be continued or not. He thought, looking at the financial state of the country, nothing was more reasonable than that the Government should propose, considering that they at first contemplated the continuance of this tax for five years, that it should now be renewed for three years with a view to the removal of taxes which pressed upon the industry of the country, and the removal of which, it was said, would be of the greatest benefit to commerce, and place the finances of the country in such a condition as would put it in the power of the right hon. Gentleman at the end of the three years to do away with the Income Tax. But, looking at the speech of the right hon. Baronet, he could not discover any ground for the confident anticipation that such would be the result. He did not propose to go through the different items with which the right hon. Baronet

intended to deal; he would touch only on that one which embraced the principle of the whole, namely, remitting a portion of a tax which he said might have the effect of increasing the consumption, and thereby restoring the revenue, which must in the first instance be sacrificed. But, looking at the scheme as a whole, he could not, from the mode in which the right hon. Baronet proposed to deal with sugar, entertain any well-founded belief that in three years to come the revenue upon that article would be so increased as to enable them to dispense with the Income Tax. He believed that if the proposition of the right hon. Baronet as to the alteration in the Sugar Duty was unfortunately adopted by the House, he would gratuitously sacrifice a large amount of revenue, and not give the consumer of this country the benefit of what was lost to the State. The right hon. Baronet said, that he adhered to the principle upon which the Government had acted on this subject—that principle was, if he understood it, a distinction between sugar the produce of free labour, and that grown where slave labour was employed for the cultivation of sugar. Now he assumed that the right hon. Baronet was sincere and honest in the application of that principle. He would go further, and assume, that it was in the power of the Government to apply that principle, and carefully exclude from our market sugar which might be the produce of slave labour, and which had not the right to claim the admission of it by virtue of the most favoured nations' clause of the Reciprocity Treaties. The right hon. Baronet had calculated that in consequence of the reduction of the duty there would be an increase in the consumption of the next year of 43,000 tons of sugar. Now, where was such supply to come from? Were our Colonies to supply the increase which the right hon. Baronet took credit for? He denied that they could do so in their present state; neither could those countries which *bonâ fide* might be able to supply free-labour sugar. If three-halfpence in the pound was to be the reduction in the price in the ensuing year, there would be, he repeated, a greater demand than could be supplied by sugar the produce of free labour. He did not, however, believe that the price would come down to what the right hon. Baronet had assumed, and that, therefore, the loss of revenue, instead of benefiting the consumer, would go into the pockets of those for whose benefit the right

hon. Gentleman proposed still to continue the monopoly. He believed the distinction to be absurd and impracticable. He believed also that the right hon. Baronet did not entertain a very confident expectation that he would be able to exclude from our markets sugar in the growth of which slave labour had been employed. He was sure that a great portion of the sugar consumed in this country would be the produce of slave labour. If that were the case, do not let them hypocritically assume that they could act upon a principle which was absurd and impracticable, and acting on which would benefit one class at the expense of the body of consumers. Let the distinction therefore be swept away, and the revenue would be increased, and the odious Income Tax might be got rid of. He must say, that when he stated he should not oppose the Resolution for the continuance of the Income Tax, he abstained from opposition with the intention of opposing the distinction between free and slave labour sugar, which he believed, if enforced, would have the effect of creating more injurious monopoly than at present existed. But he believed it could not be enforced; and he had the further intention of supporting the Resolution of his hon. Friend, the Member for Manchester, behind him, which went to affirm that no arrangement of the Sugar Duties would be satisfactory which did not involve an equalisation of duty on foreign and Colonial sugar; he thought no settlement of that question could be considered permanent, which did not abolish all distinction between sugar the produce of free and of slave labour. With regard to the Amendment of the hon. and learned Gentleman, he had heard nothing from him at all satisfactory as to the means of practically carrying out the plan which the hon. and learned Gentleman recommended. If they had the melancholy prospect of looking to this tax as a permanent tax, it would be their duty to endeavour to diminish its vexations and inequalities; but he for one, hoping that the right hon. Gentleman had some grounds for being sincere in what he had announced as to its duration, certainly should not be disposed, by any experiment of this kind, to remove the vexations of this tax; for the more they were felt the more likely they would be to get rid of it altogether. It was an incubus on the industry and energy of the country, which it was the duty of the House to remove at the earliest possible period.

The *Chancellor of the Exchequer* said, that differing in the result from the hon. Members who had spoken that evening, there were at least several points upon which it appeared there was great uniformity of opinion. No hon. Gentleman who had yet spoken objected, either with or without modification, to the continuance of the Income Tax. Another point of agreement was the additional expenditure stated by his right hon. Friend to be necessary for the Naval Service of the country; he believed no Gentleman when he saw the Estimates on the Table would refuse to give them in detail his approbation. The right hon. Gentleman who had just sat down, asked upon what ground he thought the Income Tax would not be renewed at the expiration of the period for which it was now sought to prolong it? He told the right hon. Gentleman that his anticipation for the future was grounded on his experience of the past. His right hon. Friend, on the former occasion, said that if the Estimates for the present year could be the same as those proposed in the last or in former years, we might safely abandon the Income Tax which was imposed in 1842. It was in order to meet this necessary increase of expenditure, with respect to the propriety of which all agreed, that an increased revenue became imperatively necessary. It must be in the recollection of the Committee that when the present Income Tax was brought forward, it was not only intended to meet the large deficiency in the Revenue which then existed, but to afford means for the removal or modification of taxes on a number of articles, the continuance of which, in their then form, imposed great burdens on the industry and the commercial energy of the country. His right hon. Friend, in considering the nature of these duties, suggested that by the removal of them you would give such a stimulus to the industrial energies of the people, and lead to such an increase of revenue from other sources, that it might not be necessary, as was originally intimated by his right hon. Friend, to take the Income Tax for five years; and he added, that he trusted that at that time, the revival of the general Revenue of the country would be such that he should be able to dispense with a further continuance of the tax on Property. Now, what was the situation of the Revenue? He held in his hand a most important return, showing the amount of Public Revenue made up for each year,

to the month of October, derived from the customary sources. He found that the return of income for the year ending the 10th of October, 1842, and, taking only the ordinary Revenue—namely, the Customs, Excise, Post Office, Stamps, and Crown Lands, and, excluding all adventitious or incidental sources of revenue, amounted to 47,000,000*l.* Now, the measures for the removal and modification of various duties introduced to Parliament during that year and last year, apparently withdrew from the ordinary sources of revenue the sum of 1,400,000*l.* annual income. But, taking the Revenue for the year ending the 10th October, 1844, and only including the ordinary sources of revenue which he had stated, did there appear in the return of the same description of taxes a reduction of revenue to the amount of 1,400,000*l.*? No, certainly not; for he found that last year the amount of Revenue was not 47,000,000*l.*, as it was in the year ending October, 1842, but more, it was 47,499,000*l.* If, therefore, from this they might fairly judge of the effect produced on the National Income by reductions judiciously made, by the activity which the remissions produced, and by the encouragement which they gave to industry, there was good ground for anticipating that, by pursuing a similar judicious course of reduction, such an increase would take place in the consumption of other articles, that in the period of the ensuing three years the same effect might be produced as in the antecedent period. On this ground, he trusted, that the measures which he hoped the House would be induced to sanction, although they might affect the Revenue immediately, still would, within the period which he had stated, give such an impetus and encouragement to industry, both agricultural, manufacturing, and commercial, that the increased consumption in other taxed articles would make up any deficiency which otherwise would arise, and place it in the power of Parliament to discontinue the Income Tax if it pleased, in the year 1848. He would leave it with confidence in the hands of Parliament to decide whether or no they would make further experiments similar to those which were so successfully carried out in 1842. The noble Lord said, that the effect of that reduction of duty had been a failure, because in some particular articles there was no indication of increased consumption. The noble Lord must excuse him for say-

ing that he thought he was inaccurate as to the facts; but even if the facts were correct, he was inaccurate as to his deductions from them. He was sure his right hon. Friend the Member for Halifax would hardly say that the reduction, or rather the removal of the duty on wool had not given a great extension to that most important branch of industry, and by giving an increase of employment to those engaged in that manufacture, enabled the persons thus employed to become consumers of excisable articles which otherwise they would not have been enabled to obtain. Therefore it was taking a very narrow view of the subject to look at reduction of taxation as merely leading to the increased consumption of the particular article, instead of regarding its general effect. If the noble Lord's principle were to be adopted, it would be an argument against all repeal of taxation, as they never could show an immediate and direct gain, because the tax being removed, the article could not be productive of revenue. He, however, would proceed to show by practical experience that the effect of the removal of taxes which pressed on the industry of the country, was to enable the public to purchase other articles which were still subject to taxation. He said that the experience of past times supported this argument. It was proved incontestably by a paper which had been laid on the Table some time ago, with regard to the effect of the reduction of taxes. The period to which he should first allude, was that in which he was in office, and in the latter part of which year the noble Lord and his Friends succeeded to office. Shortly before the change of Government in 1830, there was a large reduction in taxation, and he found that in that in the succeeding year taxes to the amount of upwards of 5,000,000*l.* had been remitted. The amount of the Revenue previous to the remission was 50,700,000*l.*, and it might be assumed that with this reduction of 5,000,000*l.* the amount of the Revenue would be reduced to 45,000,000*l.*; but they found that, in 1831, instead of the public Revenue being only 45,000,000*l.*, it had recovered itself to such an extent that it had increased upwards of three millions, so that the Revenue that year amounted to 48,000,000*l.* If then in the course of three or five years after such extensive reductions of taxation, the Revenue was equal to what it was before the duties were modified, did it not afford a striking instance

of the effect of a judicious reduction of taxation? With respect to the sound and judicious reduction of duties in 1842, and that now proposed, he thought that he might safely assure the right hon. Member for Devonport that it was not without some grounds, if Providence was pleased to bless us with ordinary seasons, and if the population of this country continued to manifest that industry, enterprise, and talents which had hitherto distinguished them, that he concluded that at the expiration of the period for which the Property Tax was to be renewed, the House would be in the situation to consider whether or not it should abandon this tax, or whether it should continue it for a renewed period, with the view to further relaxation of restrictions on trade. The question, then, before the House was, as in 1842, whether they should avail themselves of the Property Tax, and by the continuance of it for a limited period afford extensive relief to the industry of the country, which they would be unable to do if they allowed the Income Tax to expire. It must be obvious to all who considered the nature of many of the taxes with which the Government proposed to deal, that they were imposed in periods of war, in times of great necessity, when but little regard was paid to the nature of the taxes imposed; provided they gave the amount which the public exigencies required, little regard was had to the effect of these taxes on foreign trade, because our merchants did not come into competition with those of other nations in foreign markets; indeed such competition had then no existence. The taxes at that period were not imposed with any regard to commercial purposes, or in consideration of the effect they might produce on trade, but the whole object was to derive from the people of this country that large amount of expenditure which was necessary for the national defence. It was to be expected, therefore, that many of them would be found on the return of peace little suited to the altered circumstances of the country, and would press on and cripple our trade, exposed as it was to competition in foreign markets. It was requisite, therefore, to consider whether they should not be repealed or materially altered. It was to be considered, whether by continuing this tax, they might not release the country from other burdens, which were not felt in time of war, but the effects of which were severely experienced in time of peace. He, therefore, trusted that the House would

concur in the proposition before it. The hon. and learned Member for Bath had moved an Amendment, the object and effect of which was, to exempt particular classes from the operation of the tax, and to make some arrangement by which these classes might get the benefit of the application of what he considered a more equal tax. Now, what was the project of the hon. and learned Gentleman? He said that land and funded property was realised capital, and therefore should bear the burden of this tax, but that other incomes, not being derived from realised property, should not bear the same proportion of burden. This was not a new argument, for it had been put forward when Mr. Pitt first introduced this tax. Mr. Pitt then said:—

“If you attempt to arrange your taxes in a manner which shall effect the diversion of capital from one employment to another, you will produce greater evils in the internal state of the country than by any other course you could possibly adopt.”

Mr. Pitt maintained—and justly—that it was not the duty of the Legislature to hold out inducements for the removal of capital from one description of employment to another, but that the adoption of the suggestion of drawing a distinction between one source of income and another, would hold out the encouragement to sell out of the funds or landed property, to invest it in such a manner as to exempt it from the payment of this tax. But was there any justice in such a proposition, considering the view with which this tax was proposed? The object was, by means of it, to remove from the public generally other taxes which were found to press on the industry of the country, and upon the consumers of several important articles. The removal of those taxes was not of more consequence to a man with an income derived from capital, than to one with a professional income of equal amount. The hon. and learned Member might depend upon it that he would feel the advantage of this arrangement in the reduced prices of various articles. The hon. Member must take into consideration the reduction in the price of sugar which he consumed, and of the reduced price of glass. He (the Chancellor of the Exchequer) could not conceive any reason why the hon. and learned Gentleman, or any other person with a professional income, who would benefit by the reduced price of these articles of general

consumption, should not bear a due share of the burden of the Property Tax. But how did the hon. and learned Member propose that his plan should be carried into practice? The hon. Member proposed that every man should be called upon to make a clear and distinct return of the income which he enjoyed, and the sources from whence it was derived, and that this was afterwards to be verified in a manner to which he would presently advert. The noble Lord had objected to the inquisitorial nature of this tax. He (the Chancellor of the Exchequer) admitted that this was a serious objection; but would it be removed by the plan proposed by the hon. and learned Gentleman? The hon. Member said that he did not so much object to this: but he admitted that there were the most serious objections to the inquisitorial nature of this tax entertained by the public; but would this be obviated if the proposition of the hon. Member was adopted? The hon. and learned Gentleman said that he would be satisfied with the oath of any party as to the amount of his income and its sources. The right hon. Member for Devonport said that he was altogether adverse to any such proposition, and that he conceived there were insuperable objections to it. Now he (the Chancellor of the Exchequer) entirely concurred in this view of the case. The plan was entirely at variance with the principle on which they had been legislating for years. They had been for years removing unnecessary oaths, and, above all, those connected with the Revenue, from their Statute Book. The feeling of the House for years past had been to remove all the Custom House oaths, and others of a similar nature, connected with the Revenue, as they had become a scandal to the world. What was the effect of the system of oaths in former times in connexion with this tax? When Mr. Pitt introduced the tax, he called for returns of incomes which the parties might afterwards be required to verify on oath. At that time the return of the Revenue from this source was five millions; but when they adopted another course, and did not trust to oaths, the amount raised by the same tax was increased to fifteen millions. If, then, they consulted either the morality of the system, or looked at the fair produce of the tax, the proposition of the hon. Member was entirely inadmissible. The hon. Member stated, however, a reason in favour of his plan, which certainly appeared most singular. The hon. and learned

Gentleman had quoted from some book a passage respecting bodies of clerks insuring themselves against losses which they might incur from any of them being guilty of default ; and he suggested that by some such means a security could be afforded against loss respecting the returns to the Income Tax. [Mr. Roebuck : No. not that.] At any rate, the hon. and learned Gentleman had stated a paradox, which he could not understand. The noble Lord had objected to several of the items of reduction in taxation which it was proposed to submit to the House. The noble Lord cast some ridicule on the reduction of the duty on auctions. If the noble Lord would only look at the results of the auction duties, he would at once see how objectionable they were, and how constantly liable they were to evasion. At present, when landed property was sold, it was liable to the duty of 1s. in the pound, but this money was not paid when the property was bought in. The consequence was, that property was apparently bought in, and afterwards disposed of privately at the price bid for it at the auction, and thus the payment of the duty was evaded. Personal property paid 7d. in the pound when it was sold, and means were constantly found of evading the duty. If the noble Lord had made the slightest inquiries of any person carrying on the trade of an auctioneer—if he had but read the Reports before Parliament on the subject, he hardly could have stated any of the objections which he had that night raised to the proposed removal of that tax. The noble Lord said that he would rather have coalesced with the gallant Member for Lincoln for the repeal of the duty on fire-insurance than have supported the removal of the auction duty. Now he would venture to assert, that if the noble Lord would take the trouble to look into the subject, and to read the Report of the Commissioners of Revenue Inquiry, he would not do anything of the kind. The noble Lord had said, with respect to the alterations in the Sugar Duties which would be proposed to the House on a future day, that the whole plan was founded on an erroneous principle, and that they would incur a great loss of revenue, without any adequate relief to the country. It would be improper for him then to enter upon a full discussion of this question, as it was foreign to the proposition immediately before the Committee, and the question must be brought forward at an early day, when it

could be more properly dealt with. He should, therefore, only deal with one or two points. He was directly at issue with the noble Lord as to there being no distinction with reference to the admission of foreign sugar the produce of slave-labour, and slave-grown cotton and tobacco, for in his opinion, to allow the introduction of the former was a direct encouragement of Slavery and the Slave-trader, which was not the case with the latter articles. He repeated, that there was this broad distinction between the cultivation of sugar by slaves, and of cotton and tobacco. He knew that such was the case. They had before them the fullest information upon that point, and they had evidence to show that in the states of Brazil which cultivated cotton, the proportion of Africans imported to the Creole Africans born in the Brazil was extremely small ; while in the sugar estates the proportion of imported Africans was beyond all comparison with the number of those born in Brazil. The same kind of argument as that now urged against this distinction, was urged some thirty or forty years ago against the abolition of the Slave Trade, and they were told that that trade would go on whether they passed a Bill to abolish it or not, and that the only effect would be that, if they adopted that measure, the trade would be carried on with greater violation of humanity by other nations. That, in fact, all the ameliorating circumstances which had been adopted in connexion with it would be got rid of, and it would be carried on in a way to greatly aggravate the present sufferings. Now he considered that the argument which the noble Lord applied to the admission of slave sugar was equally unsound as that urged against the abolition of the Slave Trade. He, however, would not then go further into details on this point, as they must discuss the whole subject fully within a very short time. To-night it was sufficient to know that, generally speaking, the House was not disposed to object to the Resolutions before it. It was enough for the House to decide whether the Property Tax was for a limited time desirable, and whether they would consent to introduce in it an alteration which would undoubtedly destroy its efficiency as a measure of revenue, would aggravate the evils that that tax in particular was subject to in respect to its inquisitorial, and perhaps, vexatious character, and would tend to introduce a mode of ascertaining the income of individuals in a manner most

liable to evasion and fraud. The noble Lord had told them of the frauds that were practised in respect to this Income Tax; but he had altogether omitted to speak of the frauds that had been repeatedly practised in regard to many of their other taxes. Would the noble Lord tell him that there was more fraud induced by the Income Tax, than in the attempts to evade the heavy duties of the Excise—above all the auction duties? He would ask whether there was a greater temptation in the one case to make a false statement, with a view of relieving an individual of a small charge to which he was subject, than in the case of a manufacturer who perhaps carried on business on a great scale, where by a successful evasion of the duty to which he was properly liable, the most profitable and beneficial results were likely to follow? Let them set the fraud on the one side against that on the other, and do not attribute the liability of fraud to the imposition of this tax in particular, when it could be attributed to all taxes. The hon. and learned Gentleman had told them that this proposition to repeal the duty on glass was, in fact, to take off the duty from the chandelier and conservatory of the rich man, and to leave the windows of the poor man unaffected. The hon. and learned Gentleman by this observation appeared to be ignorant of the details of the subject upon which he was speaking, or he certainly would not have made such an observation. If the hon. and learned Gentleman had made himself acquainted with these details, he surely must have known that the duty upon the chandelier of the rich was out of all proportion low as compared with crown glass—the one was liable to a duty of about 50 per cent., whilst the crown glass was subject to a duty of 250 per cent., and produced to the Revenue upwards of 600,000*l*. The hon. and learned Gentleman must then excuse him for saying he thought that he had not given the subject the consideration which was necessary, or he would not have made this observation. As he had said before, there did not appear to be any disposition to combat the main part of the Resolution which had been placed in the Chairman's hands with respect to these disputed points. In respect to sugar, glass, and auction or customs' duties, he thought that he should best consult the convenience of the House, and promote the advantages of free discussion, if he should reserve those observations he should

otherwise be inclined to make until the period should come when those subjects would be naturally brought before the House. He would, therefore, forbear entering further into detail.

Mr. C. Wood should not disturb that unanimity of the House to which the right hon. Gentleman alluded by disputing the necessity of continuing the Income Tax for a short and limited period, but he certainly had expected when the right hon. Gentleman rose, that he would have shown the grounds on which he expected that the sources of revenue left would rise so as to enable him to take off the Income Tax at the expiration of that period. He did think that something more was required than the assertion of a general principle, that in some cases the reduction of taxation was followed by an increase in other articles of revenue. The whole question turned on what the right hon. Gentleman stated—a judicious selection of subjects on which the reduction was to be made. They were perfectly agreed on this, that if the selection of articles for reduction were judiciously made, that in that case nothing was so likely and probable as that an increased consumption of those and other articles should follow; and they (the Opposition) calculated as much as the right hon. Gentleman, that the Revenue might rise to such an extent as to enable them to get rid of the evil of an Income Tax, provided the measures which were proposed for the modification of taxation were wisely chosen. But the point on which they differed, and which the right hon. Gentleman had left untouched was, whether the selection which the right hon. Gentleman had made was a judicious selection or not, and whether the selection afforded a reasonable prospect of the Revenue rising again in three years. With regard to the general argument against the Income Tax—to its inequality and injustice, and vexation, no attempts had been made to answer it. That tax had been acquiesced in because he believed that there was in the minds of the people of this country the most fixed determination to support the credit of the country. He believed more than that, that circumstances had contributed to its being borne with patience more than they could expect. In the manufacturing districts the Income Tax was calculated in a period of low profits; since that time trade had increased, and an amount of tax determined by a low scale of profits, had in fact been paid when the profits were high. He did not

know whether the right hon. Gentleman meant to continue that imposition at the same amount as it had been during the last three years; if he did not, an outcry would be raised against it, in districts which have not hitherto contributed their proper amount. But above all the tax had been borne in the firm belief that it was intended merely as a temporary tax. Now, there seemed to be but little reason to suppose, from the announcement of the Government, that it was to be continued only as a temporary tax. The right hon. Gentleman thought it desirable that Parliament should keep this tax under control by a revision of it every three years. He had not heard anything from the right hon. Gentleman opposite which denied the conclusion that the effect and scope of these measures were to render it of a permanent and not of a temporary character. It was said when it was imposed, that it was to make good an existing deficiency of 2,500,000*l.*, and even that sum was not thought sufficient; but the right hon. Gentleman had prayed in aid the accumulated deficiencies of three or four previous years. The majority of the House had acquiesced in it as a temporary tax, as was stated by the hon. Member for Brecon, and they who had opposed the tax had, on that ground, been left in a minority. If the prospect at that time had been held out of the continuance of this tax, as now proposed, he very much doubted whether it would have met with that universal acquiescence which it had done. Two grounds had been stated at the time, and referred to again on Friday night, by the noble Lord, the Member for Newark, which had led very much to acquiescence in the tax. One was, that it was a tax which pressed exclusively on the rich, and took no deductions from the employments of artizans. So far from its being a tax which pressed exclusively on the rich, he believed that it pressed on the labouring population by diminishing the means of giving them employment. But he did not believe that the right hon. Gentleman himself could think that it was a tax which bore exclusively upon the rich; because, if he did, why did he not impose it in Ireland? He (Mr. Wood) remembered that the right hon. Gentleman had stated that it was a tax only to be imposed in time of war or great necessity; and if imposed it would be unjust if not imposed on Ireland as well as on England. He (Mr. Wood) had never been able to discover any reason why in Ireland gentle-

men of 5,000*l.* a year should not pay this tax as well as an English gentleman of 5,000*l.* per annum. The rich Irishman was exempt from the assessed taxes. He saw no reason why the rich man in Ireland should be exempt. But in that country it was notorious that the want of employment among the lower orders was greater than in England; and if there were any one country in the world in which it was desirable that a tax should be imposed which pressed exclusively on the rich, and not on the people generally, it was in Ireland. What did the right hon. Gentleman do? He exempted Ireland from this tax, supposed to press on the rich, and imposed a substitute in the Stamp Duty Tax, pressing on the population generally. It was impossible that he could be guilty of such inconsistency, if he really believed that the Income Tax pressed upon the rich, and not upon the poor. But they were told that from various articles upon which the duty was reduced in the Tariff of the right hon. Gentleman, they were to derive a benefit equal to the burden of the Income Tax. They had had some experience as to this; and he should be glad to know if any Gentleman would get up in the House and say that the reduction made on articles of his expenditure had made up for the Income Tax. He did not think that any Gentleman in the House would make that assertion. But that was the assertion made by the right hon. Baronet three years ago—that the Income Tax then imposed would be compensated by the reductions on other articles. The Chancellor of the Exchequer had referred to articles on which the duties had been reduced, and wished the House to believe that there really had been a largely increased importation of those articles on which the duties had been reduced in the Tariff. He referred to the reduction of the duty on wool. His noble Friend beside him had voted with him for the reduction of that duty. It was not one of the articles on which a reduction had been made at the time of the Tariff. It was not a little remarkable that the importation of those articles in the Tariff on which reductions of duty had been made in 1842, had not materially increased, compared with those articles upon which no change had been made. The increased importation of articles upon which no change whatever had been made was greater, or, at least, as great as the increase on those on which the duty had been reduced. Referring to the Paper on the Import Duties, he did not

find that any articles on which the duties had been taken off had increased to any great extent, with the single exception of coffee. The articles of consumption, on which the duties were changed by the Tariff of 1842, and which had increased, were :—

	1841.	1844.
	cwts.	cwts.
Potatoes	1,700	99,000
Lard	97	76,000
Rice of British Pos- sessions	213,000	302,000
Coffee, British Pos- sessions	lbs.	lbs.
	14,000,000	20,000,000

When they went further, and saw what the great articles were in which increased importations had taken place, they found that they were actually articles which no one would say contributed in the slightest degree to the comfort and happiness of the great body of the people. The six articles on which the chief increase had taken place, were chamomile flowers, boots and shoes, bugles, watches, corks, and damasks. There was, indeed, one article of raw material—copper ore—of which 66,000 tons had been imported; and this, be it observed, is raised by slave labour. But when they came to the great articles of consumption, with which the right hon. Gentleman did not deal in the Tariff, they found that a great increase had taken place upon succades, oranges, East India sugar, molasses, tea, currants (before the reduction of the duty), and raisins. These were articles of which there had been great consumption, on which there were heavy duties untouched, and of which there had been an enormous increase of importation; besides these, on silk waste, cigars, nuts, sponge, and some other things there had been great increase. The increase was not from the reduction of duty, but from the great prosperity of the country—not, he apprehended, a prosperity arising from the small increase of those articles on which the duty had been reduced; he, therefore, did not see the merit which the right hon. Gentlemen were claiming. They had been blessed with two or three good harvests, with increased exports to China, and with a revival of trade. But, in making this statement, he did not think that the increased prosperity of the country was owing to any reduction in the Tariff of 1842. But no doubt there was one great redeeming quality in the In-

come Tax, which was the amount it produced. He was happy to see an abundant surplus, an overflowing Exchequer. He had thought it unjustifiable to impose so odious a tax for so small an amount as the right hon. Gentleman had calculated on, at the time of its imposition, viz., 2,700,000*l*. It had produced, in fact, nearly twice that sum; and the error of the right hon. Gentleman was the best *ex post facto* justification of his course. But now it was proposed to renew this tax on totally different grounds—grounds which did not exist when it was imposed—which totally changed the reason for assenting to it, and which it was now necessary to examine, in order to see what prospect there was of its being taken off in three years. They were now told that this tax was imposed for the purpose of carrying through a great experiment in taxation. He did not object to continuing it on those grounds. But it made a great difference what that experiment was. If it was to give time for the reduced duties to recover, that was one thing which afforded a chance of the Income Tax being taken off; if, on the other hand, the experiment was such as to amount to a total loss, with little prospect of the duties rising again, that was another and a totally different prospect; and it behoved the House, before it voted those measures which were proposed as an equivalent for the Income Tax, not to suffer itself to be led into a course which rendered the permanent continuance of the Income Tax necessary without the House having the power of helping itself. He knew that there were some Gentlemen behind him and around him who were in favour of a permanent Income Tax, and thought that a good source of permanent revenue. He did not believe that that was the opinion of the majority of the House. He believed the majority of the House to be opposed to the continuance of the tax as a permanent source of revenue. But he warned the House not to agree in the proposal to deal with the tax on sugar and with other taxes in the manner which had been submitted to them. They might delude themselves now with what hopes they pleased, but they would not have the power in three years of helping themselves. Every measure of that kind rivetted faster and faster the chains imposed on them, and from which they could not escape. He now wished to take the right hon. Gentleman's estimate with regard to the Receipt and Expenditure. The right hon. Gentleman had stated the Expenditure of last

year to be 49,700,000*l.* He (Mr. Wood) entirely concurred in the necessity of increasing the Navy, of providing additional fortifications to our ports, and of a large expenditure for the steam navy; and he had no reason to suppose but that the whole of that expenditure would be necessary. The right hon. Gentleman stated that his Receipts were—

	£
From ordinary sources	47,900,000
Income Tax	5,200,000
Making a total receipt of ..	53,100,000
The Expenditure was	49,700,000
Leaving a surplus of	3,400,000

Now, with that surplus he proposed to deal in rather a summary way. He (Mr. Wood) entirely concurred in the propriety of leaving out of calculation the receipt of the China money, inasmuch as that was an income of a merely temporary nature, though it was to be hoped that the Emperor of China would properly fulfil his contract. The right hon. Baronet proposed, with a surplus of 3,400,000*l.*, to dispose, by one means or another, of revenue to the amount of 3,310,000*l.*, leaving himself, on his own calculation, an actual surplus of only 90,000*l.* With regard to the articles on which the right hon. Baronet proposed to make alterations of duty, they might be divided into two classes—those on which merely a reduction of duty was to take place, and those on which the existing duty was to be wholly repealed, and the repeal of which would cause a total loss of revenue. Among the latter was the article of glass, the duty on which he (Mr. C. Wood) believed to be one of the most objectionable duties in the country; but still the repeal of the duty would be a total loss to the Revenue. The same might be said of the reductions of the small duties; the same of the abolition of the duties on cotton wool; the same, or very nearly the same, of the reduction of the auction duty. He could not see that it was a very good argument which the right hon. Gentleman had employed in behalf of that part of the scheme which related to the reduction of the auction duty, that nobody had ever yet discovered that it was a grievance. On this subject he must beg the right hon. Gentleman (Mr. Goulburn) to be a little cautious in future in quoting his predecessors in office. He, of course, was not aware what communications the right hon. Gentleman might have had with his right hon. Friend

(Mr. F. Baring), who was at present unfortunately absent, or what his means of knowing his right hon. Friend's opinions might be; but he rather thought that the right hon. Gentleman had very gratuitously assumed the statement which he (Mr. Goulburn) had put in his right hon. Friend's mouth; he rather thought that his right hon. Friend held a very different opinion with respect to the auction duty from that which the right hon. Gentleman had represented him to hold. However, he (Mr. C. Wood) did not suppose that the subject of the auction duty would be brought before the House before his right hon. Friend (Mr. F. Baring) would be able to attend in his place, and then the right hon. Gentleman would have an opportunity of learning specifically what his right hon. Friend's opinion on the matter really was. Then, the abolition of the export duty on coals was another total loss to the Revenue. He was not going to give an opinion then on the policy of that step; but he did not think that his hon. Friend the Member for Kendal (Mr. Warburton) would be very happy to see that duty taken off; for himself, he should only say that he did not find it very easy to reconcile the wisdom of now taking it off with the wisdom of imposing it two years ago. Whether the wisdom lay in putting it on or taking it off he could not say; but it was beyond his skill to reconcile the wisdom of the two courses. The duties on these sources of revenue, then, the right hon. Baronet proposed to remove altogether; they amounted on the whole to 2,000,000*l.* sterling, which was so much total loss to the Revenue. The right hon. Gentleman (Sir R. Peel) had not told the House, nor had the right hon. Chancellor of the Exchequer told them, upon what other articles of revenue they expected such an increase of revenue as would make up that total loss. The right hon. Gentleman had already assumed an increase of 500,000*l.* in the Excise, and he (Mr. C. Wood) did not expect that a much greater increase would take place in that department. Then there were various parties, as the manufacturers of paper and of soap, and bricks, who were all pressing for a reduction of duty, for all whom a strong case might fairly be made out. All things considered, then, he did not expect any great increase of revenue from the Excise, beyond what the right hon. Gentleman had included in his estimate. Now, to come to the Customs. The First Lord of the Trea-

surey had told them, that last year there had been extraordinary receipts in that department. What hopes, therefore, were there of a further increase there? He did not mean to say that there would be no increase, for he hoped the country would go on in a state of increasing prosperity; but, at the same time, when they saw an increase so extraordinary, what reason was there to suppose that they would have a further increase? But there was one duty of great importance with respect to which it was worth while to observe how the right hon. Baronet proposed to deal. He was not going into the whole argument of the Sugar Duties, nor going to dwell on the total absurdity of the distinction attempted to be established between foreign free-labour sugar and slave-grown sugar; there would be plenty of opportunity for that; he was then only going to offer some remarks on the question considered as a question of revenue. Now as very great difference of opinion existed upon this subject among great authorities, it was very desirable that the question should be settled as early as possible. The right hon. Baronet estimated that 70,000 tons of British clayed sugar would be consumed next year; and on this sugar a higher rate of duty was to be paid. It was presumed that these 70,000 tons were East India sugar, and if this was so, and this East India sugar was to be admitted on worse terms than at present, then the growers would have great reason to complain of the harshness of the alterations as regarded their interests; because a few years ago the duties had been equalised with those on West Indian sugar, and on the faith of that arrangement capital had been sent out to the East Indies, and engagements made for a supply of sugar from that country to this, which would, of course, be affected by the change. If the new system were established, and a new rate of differential duty imposed, those persons would certainly have reason to complain. But if this was not so, and if the sugar from this source would not come in as white clayed sugar, the right hon. Baronet's differential duty of 2s. 4d. a cwt. was thrown to the winds. That would be a loss of 160,000*l.* to the Revenue. Whether the result of this part of the plan would be a hardship on the people of India, or a loss of 160,000*l.* to the Revenue, he should not take upon him to decide. With respect, however, to the amount of protection which the right hon. Gentleman said he gave to British

Colonial sugar, he must say that while he kept his promises to the ear, he broke them in spirit. He adhered to the letter in retaining that protection at about 10s. per cwt. But a protection of 10s when the whole duty on foreign sugar was 23s., was very different from a protection of 10s. when the duty on foreign sugar was 34s.; indeed, he did not think there was anybody in the House who would maintain that a 10s. differential duty, where the lowest duty imposed was 14s., was the same thing in reality as a 10s. differential duty when the lowest duty was 24s. It was quite true, the present duty gave a protection of 40 per cent. in favour of British Colonial sugar; but, according to the plan of the right hon. Baronet, it would be 65 per cent.; and if all the supply came as white clayed sugar, this differential duty would be a differential protective duty in favour of British Colonial sugar of no less than 100 per cent. He would not go further into the subject than was necessary, for he wished to deal with it as respected revenue only; and he begged to ask the right hon. Baronet how he expected to get the revenue from sugar which he had estimated it would yield? The highest consumption of sugar ever known in this country took place in 1831,—that amount was 207,000 tons; it was the highest consumption ever known. Now, it had often been stated that 17½*lb.* was the consumption per head in that year. That amount of consumption with the present amount of population would give 210,000 tons for the necessary supply, and that, therefore, was the greatest amount of consumption that we could with certainty calculate upon. The right hon. Gentleman expected a consumption of 250,000 tons; he anticipated an increase in the consumption to the extent of one-fifth more next year than had been known in the year of the greatest consumption; and unless that great increase took place in this one year, the right hon. Baronet would not get the revenue on which he calculated. As he (Mr. C. Wood) had said, he only meant to discuss the subject as regarded revenue: all he could only state at present, that in the amount of revenue which the right hon. Baronet calculated upon, he had already reckoned the duties arising from an enormous increase in the consumption of sugar, and an increase much greater than he could get in the course of a year; and he (Mr. C. Wood) wanted to know whether it was on a still greater increase in the consumption

of sugar it was that the right hon. Baronet reckoned to making up the loss to the Revenue by the reductions he proposed. The right hon. Baronet had no right to calculate on an increase of consumption and consequent revenue from sugar beyond that he had already assumed; and therefore he (Mr. C. Wood) said, that neither from the Excise nor the Customs could the House expect such an increase of revenue as would make up for the effect of the right hon. Baronet's reductions. At the same time, he had not the slightest doubt, that by a judicious reduction of taxation, all that was required might have been done. He had not the slightest doubt that if the Sugar Duties, for instance, had been dealt with on a just principle, a great increase to the Revenue might have been realised, and an enormous boon conferred upon the people of this country. As it was, he thought that the reductions on sugar were so much revenue in great part thrown away, and not given as a boon to the population of this country, but as a boon to the planters. He (Mr. C. Wood) thought that the right hon. Baronet had not dealt with other duties as he might have done. For instance, he might have dealt with the Spirit Duties so as to produce an increase of revenue from them. He thought that if the Customs' Duties had been dealt with properly, the House might have been able to take off the Income Tax by the end of the three years; but if those duties should not be so dealt with, they might depend upon it they would not be able to take off that tax at the end of the period for which it was about to be reimposed. The principle on which the right hon. Gentleman had legislated with respect to the Timber Duties and to Canadian corn were those which he now applied to sugar; and the House might take warning that if they adopted that principle now, they would have to endure the Income Tax for the rest of their lives. The principle the right hon. Gentleman proceeded on was, to lower the duties on Colonial produce, and put a high differential duty on foreign produce; the necessary result was a minimum of revenue from both sources. Thus the reduction of the duty on British Colonial sugar would apply to the great mass of the sugar which supplied our consumption; and thus diminish very greatly the revenue arising from that source; the high differential duties always operated to exclude those products which paid the highest contributions to the Revenue; the consequence was, that from both sources the

least possible amount of income was produced. This, it was clear, had been the case hitherto; and if the House of Commons adopted that course, indirect taxation would fail as a source of revenue; and they would have no resource but direct taxation; that was to say, no resource but the Income Tax for ever; and this would undoubtedly be the case, unless they were prepared to reduce their differential protective duties. By abolition or reduction of those duties it was that they could alone hope to raise their revenue up to their necessary expenditure. He should say no more on this subject; he merely wished to warn the House in time of the inevitable consequences of the measures now pursued. The statement of the right hon. Baronet had opened the whole of the Budget for remark; and he wished the House to be warned in time what the necessary consequences of those measures were, that they might be prepared when the time came to say how far they would sanction a course which would render necessary the establishment of the Income Tax as a permanent tax. He thought it would be right that they should have this question fairly and fully discussed, namely, whether the Income Tax was to be regarded as a permanent source of revenue? Let it be discussed on its own merits — on its own ground—but let us not be led on step by step into a course from which it would be impossible after a time to extricate ourselves. Passing, however, from this subject, he came now to the general financial statement of the right hon. Baronet. He did not think that the position in which the right hon. Baronet would leave the Revenue by these measures of his, would be very satisfactory to the people of this country; he knew of no point in their policy which had been made more a matter of objection against the late Ministry than their financial policy; and he believed that such objections to a certain extent were well founded, and that they were open to those attacks; he believed that many monied men had been alarmed by the state in which the finances of the country had been for two or three years previous to 1842. They thought that the finances of this country ought not to be left without a surplus of revenue above expenditure in each year. But that evil had been cured, and for some years now the Revenue had shown a surplus each year; but when the country had smarted under the pressure of the Income Tax for so many years, it was

too much that at the end of that time they should have a surplus no greater than they frequently had seen in years previous to the imposition of the Income Tax. The House was aware that such was the case on the right hon. Baronet's own calculation: 3,400,000*l.* was the surplus the right hon. Baronet estimated he should have; of this he proposed to dispose of no less than 3,310,000*l.* by reduction or abolition of duties, leaving an estimated surplus on the 5th of April, 1846, of 90,000*l.* This, and no more, was the surplus with which he proposed to meet the year to come. But then the House were bound to look whether the right hon. Baronet was justified in calculating that he could have the whole amount of revenue, without which he would not have a surplus even of 90,000*l.* Now, unless the right hon. Baronet had an increased importation of sugar to the extent he expected, and so got the whole amount of income which he calculated he should have from that source, he would not have a surplus even of 90,000*l.* He (Mr. C. Wood) did not believe that the right hon. Baronet would get that increased importation; he did not believe that he could get it within the year; and he (Mr. C. Wood) was confirmed in his opinion by many authorities, who thought, as he did, that the increase in the importation of sugar would not be by any means so great in the course of the year as the right hon. Baronet expected it would be. But if this increase did not take place, a very considerable amount must be deducted from the amount of revenue which the right hon. Baronet expected to have. The right hon. Gentleman calculated on an increased consumption of 43,000 tons; but he might be mistaken; and if this increase did not take place, how could the Revenue stand? He (Mr. C. Wood) assumed, that the sugar which was higher taxed, would, in this case, not be brought in. The right hon. Baronet expected that 15,000 tons of foreign clayed sugar would produce 420,000*l.*; 5,000 tons of foreign Muscovado sugar would produce 116,000*l.*; and 23,000 tons of British clayed would produce 375,000*l.*; making altogether the expected increase of 43,000 tons of sugar, and producing 911,000*l.* of revenue. This 911,000*l.* of revenue depended entirely on these 43,000 tons of sugar to be imported into this country beyond the greatest amount of importation ever yet known. The right hon. Baronet's calculation, therefore, in which he claimed no more, on his

own showing, than the paltry surplus of 90,000*l.*, depended after all, on a great uncertainty as to no less a sum than 910,000*l.*; and, indeed, if the supposition should be correct that East Indian sugar would not pay the duty of clayed sugar, but only that of Muscovado, it was perfectly possible that the right hon. Baronet's estimate might fall short no less than one million of what he calculated would be his revenue; but, taking only half that amount, to the extent of which he (Mr. C. Wood) was told by high authorities that it was perfectly possible the right hon. Baronet might be mistaken, and supposing that there should be an actual deficiency at the end of the year of one-half a million, then it would be found that with an Income Tax put on for the purpose of supporting the credit of the country, and maintaining a surplus of revenue over expenditure, the right hon. Baronet, nevertheless, would be left with a deficiency to that extent. It was true there was the China money to set against this half-million; but still, giving the right hon. Baronet the China money, the Revenue would only just equal the Expenditure, and that he did not think a right state of things for this country. Were the House perfectly sure that they would have no expenses to meet in the course of the Session, which had not been announced to them as yet? He would only refer to one subject. A Report had been made by the Commission appointed to inquire as to Harbours of Refuge on the South-east Coast—he (Mr. C. Wood) did not know whether the Report was on the Table of the House, but it had been printed in all the papers, and they had recommended the establishment of certain Harbours of Refuge, and a station for steamers. He (Mr. C. Wood) did not say whether the whole of the recommendations of that Commission could be adopted or not; but, however that might be, the Commissioners recommended works to be undertaken which would cost 4,000,000*l.* and upwards, and he (Mr. C. Wood) thought that no time ought to be allowed to pass by before something was done; the present year ought not to pass away without some works being commenced. Too much time had been lost already in the inquiry, and he thought it was absolutely incumbent on the Government to undertake these works without further loss of time. That, of course, would demand a large expenditure. Under these circumstances, it appeared to him

that a deficiency was much more likely to take place at the end of the year than a surplus. He must say that it was not for the honour of the country that they should commence the financial year with such prospects. Let them look to the other side of the Atlantic; he did not wish to dwell on the subject, but it was impossible to shut one's eyes to what was going on there; and the possibility of a national dispute with the United States on a question which ought to have been settled in the last Treaty with that country; he would not say any more, but there was not a man who could say that it would be a wise mode of beginning the financial year without a prospect of a much more considerable surplus than the right hon. Baronet anticipated. He (Mr. C. Wood) had stated already that 90,000*l.* would be the actual surplus; that was the utmost the right hon. Baronet stated as likely to accrue; and he (Mr. C. Wood) had shown, that in order to get even that surplus the right hon. Baronet must have an increase in the importation of sugar, which he (Mr. C. Wood) could not think was possible. He regretted that no Member of the Government had yet uttered a single word on this subject; that they had not been favoured with any statement beyond the general declaration of the right hon. Baronet the First Lord of the Treasury, and that to his apprehension was a statement of a most unsatisfactory character. With regard to the immediate question before the House, he felt no hesitation as to the course he should adopt. It was true, according to the statement of the right hon. Baronet, that, in the year immediately ensuing, there might be a surplus revenue of upwards of 1,000,000*l.*, even if the Income Tax were not continued; but it must be remembered, that half-a-year's Income Tax, 2,600,000*l.* would be brought into the account of the next financial year. If they did not look beyond the next year, it might be possible to give up the Income Tax; but, in the following year, 2,600,000*l.* (produced to the Revenue by the Income Tax) ceasing, there would be a deficiency of at least 1,250,000*l.*; and in the following year that deficiency would be still further increased by the termination of the payments from China. They must, therefore, provide either by the Income Tax, or by the substitution of other taxes, to meet such deficiency, and the increasing deficiency which would otherwise result. For his own part he

considered it far better to continue the Income Tax for a limited period than to impose any new taxes; and on these grounds he did not hesitate to give his vote in favour of that proposition, though he would strongly object to any attempt at rendering the Income Tax a permanent source of revenue. He would only say farther, with regard to the Amendment of the hon. Member for Bath (Mr. Roebuck), that if they were dealing with the Income Tax as a permanent tax, it might be advisable to consider whether it might not be modified; but as this was not the case, he would vote for the proposition simply to renew that tax for a limited period.

Colonel Conolly said, that some of the hon. Gentlemen who had addressed the House had been at great pains in endeavouring to prove that the Income Tax was not merely to be continued for a limited period, but that it was intended to become a tax in perpetuity. Now he did not hesitate to express his conviction that great advantage had resulted from that tax. There could be no doubt that the Income Tax had relieved us from that deficiency of revenue which existed some years since, and against which the hon. Member for Halifax (Mr. C. Wood) had warned the present Government. He would state the grounds upon which he approved the continuance of the Income Tax. The Income Tax had had the effect of greatly improving public credit; and the consequence was that not only had the nation been relieved from the payment of a large amount of interest on the public debt, but the general rate of interest had been greatly reduced. He felt himself particularly called upon to state that he considered great benefit had been conferred upon the country whence he came, which was very destitute of capital, by that tax; for its effect had been to relieve the great distress of the landed interest. Numbers of landed proprietors in Ireland had been enabled to relieve their estates. Did hon. Gentlemen think that was not a public advantage? [*Laughter.*] Hon. Gentlemen might laugh and mock if they chose, but he could show them that the Income Tax had benefited the landed proprietors, and that benefit had extended to all classes of the people. Much of the landed property in Ireland had been encumbered to so great an extent that the owners were unable to improve their estates, or to afford employment to the labouring poor. He was acquainted with a number of persons, some

of whom were his particular friends, who, in consequence of the reduced rate of interest had been relieved from their embarrassments, and who were consequently enabled to undertake extensive improvements on their estates, which afforded advantageous employment to the poorer classes. Now, if this was more generally the case, it would have a powerful effect in preventing that excitement and agitation which had been the bane of Ireland; and the people would become industrious, happy and contented. If Parliament consented to renew the Income Tax for three years longer they would afford security for the maintenance of public credit; and the spirit of enterprise which had recently been excited in Ireland would be greatly extended, with most beneficial results to all classes of the people, especially to the labouring population. It was mainly in consequence of the reduction in the rate of interest on money that so many railways had been projected in Ireland; and he believed the rigid scrutiny instituted with regard to those schemes by the Board of Trade would secure to persons who invested capital in such Irish enterprises the probability of certain remuneration. The hon. Member for Halifax (Mr. C. Wood) had expressed an opinion that Ireland ought to be subject to the Income Tax. Now, he was ready to avow his conviction that the Irish nation owed a debt of gratitude to Parliament for the consideration which had been evinced towards her when the Income Tax was imposed; and he applauded the soundness of that policy which had induced Government to adopt other means for raising that portion of the revenue which Ireland was called upon to contribute. This circumstance, he considered, must prove to the Irish people the advantages they derived from English connexion; and he felt bound to add that in the plans which had been promulgated by Government during the present Session, a fair and a kind consideration for the interests of Ireland had been manifested. He conceived that the financial policy of the Government was calculated to confer great benefit upon Ireland. If their proposals were adopted, the upper classes in that country would be relieved from serious and pressing embarrassments; the farmers would be enabled, by the extension of railway communication, to send their stock and produce to markets with economy, regularity and despatch; and the employment afforded to the lower classes would estrange

their minds from exciting political topics, and induce them to devote their energies to the cultivation of the soil, and the improvement of their circumstances. He believed that the abolition of the duty on glass and of the auction duty, proposed by the right hon. Baronet, would be a great boon to Ireland. The latter measure had he believed, been suggested by the Commission presided over by the Earl of Devon, to whom he was happy to take this opportunity of expressing his gratitude. The repeal of that tax, which had led to great abuses, and which was absolutely unprofitable to the public, was, he considered, a most humane and judicious step. He would only, in conclusion, express his fervent hope that the measures adopted by Parliament with regard to Ireland might promote the peace and happiness of that country.

Mr. G. Bankes said, that he felt assured the hilarity which had prevailed in the House during the speech of the hon. and gallant Member was occasioned by the gratification afforded from his account of the prosperous condition of Ireland; and he trusted that the Irish people, with that sense of justice for which they were so eminently distinguished, would now insist on bearing an equal share of the taxation of the Kingdom. For he did assure his hon. Friend, that there were at this moment, in many parts of England, depression as severe, distress as alarming, as any which the hon. Member described as having prevailed, and as having been happily overcome in the sister kingdom. It was a circumstance of pain to him and to his friends that they were called upon at that moment of agricultural depression to give their judgment on that important question, and to say whether or no they would for three years more endure that heavy tax, which was imposed at a period even when matters seemed for this interest far more flourishing than at present. The noble Lord opposite and the hon. and learned Member for Bath, had alluded to this interest. He had, indeed, no observations to make in reply to the speeches either of his right hon. Friend, the Chancellor of the Exchequer, or of the right hon. Baronet at the head of the Government, for they had not in any way mentioned or alluded to that interest. He (Mr. Bankes) could not but notice that circumstance with regret, because undoubtedly the Government had been apprised in plain terms that great distress did exist. The hon. and learned Member for Bath had taken occasion to

speaking of the predominating and preponderating power of the agricultural interest at a time, as he (Mr. Bankes) thought, not very happily chosen for the observation. But if it were true that they had that predominating and preponderating power, as the hon. and learned Member had asserted—a power so great that they could govern even those who sat in the high places of Government, surely a more generous or a more noble interest could not be found; for then the Members of that interest had been the creators and promoters of the Budget of the right hon. Baronet—of a Budget which gave everything to the manufacturing and commercial interest, and did nothing for the agricultural. The hon. and learned Member for Bath had observed upon the great attention which had been paid to Manchester and Glasgow, more especially in regard to the repeal of the import duty upon raw cotton; and he knew that he gave expression to the feelings of the whole agricultural body when he said, that he rejoiced in the repeal of this restriction, trusting that the manufacturers would derive all the benefit which they anticipated from this measure, and well assured that the true interests of manufacture and agriculture are so intimately involved the one with the other, that the prosperity of the one must lead to the benefit of both. He felt no jealousy; but he must say that not only in the reduction of taxation and in the reduction of duties, but it was in the increase of expenses also, that the same attention to the manufacturer was observable. Why were the Navy Estimates to be increased upwards of 1,000,000*l.*? Why but because that in the China seas and in the Pacific new regions had opened to our commerce, and larger armaments were required to protect it. Why, too, was there no reduction in our Army Estimates? Was it that our agricultural population being impoverished and distressed are dangerous and disaffected? Certainly not. He believed that there was not at this moment, except for recruiting, one soldier in the county that he represented. But it was to protect their Colonies. The army must be so maintained; and why so protect our Colonies, but for our commerce? Did they complain of that? Were they jealous of that interest? By no means. But, then, if the commercial interest said the agriculturists were all-powerful and predominant, let them not be taunted with being also selfish and

unjust. The noble Lord, the Member for London, had also alluded to the agricultural interest; but the noble Lord had not as yet held out great hopes to the agriculturists if they should look to another government to aid them. The noble Lord had not, indeed, spoken so warmly against the agricultural monopoly as it was called, as he had perhaps at some other periods; but he had alluded to a subject which had before not unfrequently been touched on in that House, with reference to the abolition of protection, and which had been referred to in a tone of triumph. He meant the noble Lord's allusions to the silk trade, with regard to which the noble Lord said, that up to the moment when the duty was so greatly altered, and protection to our home manufacture so much reduced, there were great variations from high prosperity to low embarrassment. At last, however, the question was settled, as they all knew, by crushing entirely the whole class of people then existing by silk manufacture in London—a class very large numerically, though comparatively small when viewed in comparison with that preponderating portion of the population of the Kingdom which depended upon agricultural pursuits. With such an instance before their eyes, of destruction caused by the extinction of a monopoly which protected that smaller class, he trusted that they would find in that example no inducement for abolishing the protection on monopoly, if they pleased so to call it, which sustained the interests of this far larger class. And at the present moment they had this peculiar advantage in sustaining the argument in favour of protection, that the hon. Member for Durham had informed them that if there were a free trade in corn that article would be somewhat dearer than now; and he said that in the Channel Islands, where there was a free trade in corn, it was actually selling at a higher price than here. They were, then, as it appeared, at this moment supporting a monopoly which made food cheap. With reference to the present Vote, those who felt that they represented districts and people who were greatly distressed, could yet only act as circumstances would enable them; and, as they saw that Gentlemen on both sides of the House were about to support the proposal for an Income Tax, they could do nothing but accommodate their votes to the same proposal; for they had no other choice. He should certainly view with very great alarm the prospect of the permanent imposition of that tax, when

he knew that the farmers had been paying it during the past year (the greater proportion of them,) out of their capital instead of out of their profits. His impression was, that the farmers, as a class, were ill able to pay it, and he should be glad, during the discussion on these financial measures, to support any proposition that could benefit the agricultural community, and hoped to find that some opportunity for doing so would be afforded.

Mr. Warburton was quite prepared to agree with the hon. Member for Halifax, that if Government were prepared to act with energy in laying open the industry of the country in those great branches of trade in which it could be laid open, by abolishing great monopolies, the revenue of this country might, in three years, be made to equal the expenditure. He altogether disapproved of the proposal of the right hon. Baronet with respect to the differential duties upon sugar, a proposal which not only went to continue the differential duty in favour of West Indian sugar, but to increase that duty. It ought to be recollected, that nearly all the West Indian sugar which comes to this country, comes in the state of what is called Muscovado sugar, whilst that which comes from the East Indies is principally in the state of clayed sugar; so that the proposal of the right hon. Baronet was practically to add 2*s.* 4*d.* to the differential duty; and make it 12*s.* 4*d.* instead of 10*s.* The sugars which came respectively from the East Indies and the West Indies might be divided generally into Muscovado and clayed sugar; and it would therefore be seen, that the proposal of the right hon. Baronet would have the effect of increasing the differential duty to the amount of 2*s.* 4*d.*, with respect to a great portion of that sugar. He should not have risen on that occasion if it had not been to refer to some remarks which were made upon his observations on Friday night, on the subject of a Property and Income Tax. He should on that occasion state his belief that the prosperity of the country would be found to increase if, instead of a system of indirect duties and taxation, they adopted a system of direct taxation. He believed, that if such a system were adopted in preference to that which is now in operation, the amount of such direct taxation which would reach the revenue would be so much larger than in the case of indirect taxation, that the country would be greatly benefited by it. He thought, that since the proposal of the right hon. Baronet had been

brought forward, he had been able to notice symptoms in the House of perceiving the advantage that might be derived from direct taxation, instead of the indirect taxation which now prevailed; for they had been told the other night of the great service which it would prove to the glass manufacture, if, instead of the trammels under which the Excise Laws placed that manufacture at present, they adopted in reference to it a direct system of taxation. He thought he perceived, in the approval of the proposal of the right hon. Baronet, a desire to adopt a different principle to that which is now applied to the glass manufacture, an approval of the adoption of direct over indirect taxation. He believed that the direct system would be a great advantage, and that the mass of the artisans and small traders would quickly participate in those benefits, and join in their approval of it. However, considering the manner in which the present amount of direct taxation was levied, he would join with the noble Lord (Lord J. Russell) in characterising it as unequal. He did not, with the hon. and gallant Member for Donegal, prefer that direct tax to an indirect taxation, because it did not operate in the sister country, or because it had the effect of forcing capital from employment in England into Ireland, for he did not think that this formed a recommendation of the tax. The present plan, as proposed by the right hon. Baronet, was to lay on the Income Tax for a limited period, and place short annuities and long annuities on the same policy. What could be more unjust than to tax short annuities and long annuities at the same ratio for a short period? That principle was in itself condemnatory. Let them suppose, for the sake of argument, that the tax was to be imposed for one year. It was, in that case, proposed that the man who had an income from landed estate, from fee simple, and the man who had an income derived from a lease which was just expiring were to pay the same proportion; what could be imagined more unjust than that? It was a most unequal mode of levying the tax, and was contrary to the principle on which direct taxation ought to be established. Now, let them look at the substitute which the hon. and learned Member for Bath had offered them for that unequal and unjust system. He could not agree to the proposition of the hon. Member for Bath; for he did not care whether a man's income arose from his professional toil or his manufacturing or commercial industry; but he maintained

that it was an unequal system to make short annuities and long annuities pay in the same proportion—to make a short annuity, arising, if they would, from professional toil, which was worth only six years' purchase, pay in the same proportion as an annuity arising out of landed estate. The substitute which the hon. and learned Member for Bath offered was this, and he (Mr. Warburton), in looking at it, would suppose, for the sake of argument, that the Income Tax was to continue only for the space of one year. The hon. and learned Member for Bath said, that he would lay on a heavier per centage on incomes from land, or the funds, than upon incomes derived from professional toil, or manufacturing or commercial exertion. Why, he would ask, did the hon. and learned Member make that distinction? If he proposed to lay on a heavier per centage on the person who had land in perpetuity, or for a period subsequent to the expiring of the year—if he taxed his reversionary income for all the years after the expiring of the Income Tax—then that principle would apply both to the person in possession and the person who had the reversionary interest. If he would apply the tax not only to the income for the year during which the tax should be proposed to continue, but also to subsequent years, then he must on the same principle apply it to those who had a reversionary interest, for that was the only mode by which he could equalise such taxation. If he proposed not only to tax the income during the year, but also the income from landed or funded property which was to arise in subsequent years, then, in order to equalise the application of that principle, he ought to lay it upon those who had annuities in reversion, and to tax parties in reversion would be clearly impracticable. If a person expected a reversion at the end of three years, it might happen that he would not be in possession at that period;—or if his annuity were to depend on the expiration of a lease, he might not be in possession of it at the end of three years. The proposition of the hon. and learned Member for Bath examined by that light was clearly impracticable as well as unjust. He was of opinion that levying this tax for a limited period, was the source of its injustice; and, that the substitute which the hon. Member for Bath proposed, would be found to be impracticable. The only just mode would be to establish a system of direct taxation for a longer period. It was plain that its injustice was propor-

tionate to the shortness of the period for which it was established; and the only way by which it could be made just was by making it permanent, but he did not think that there was any probability of its being made so. If he thought that there was the smallest chance of defeating the plan—looking at it as a tax for only three years—he should—although he differed in almost every political opinion from the hon. Member for Dorsetshire,—vote with that Gentleman. He believed, however, there was no chance of effecting such an alteration in the measure proposed as would make such a system of direct taxation just and equal.

Mr. *R. Palmer* could add his testimony to the speech of the hon. Member for Dorsetshire, as to the view which the agriculturists took of the proposed measures of the right hon. Baronet; for he was able to state that great disappointment prevailed throughout the country amongst those who were connected with agriculture, in consequence of the distribution of taxation which had been proposed by the right hon. Baronet in his speech on Friday night. No one who heard the speech of the right hon. Baronet, in introducing his financial measures, could fail to admire the talent and ability which he exhibited. In his power of making a financial statement, he exceeded any Minister whom he remembered; and he only regretted that, in the able display of the right hon. Gentleman on Friday night, he had not dwelt more upon the condition of those whose whole subsistence was derived from the land, and whose profits had been decreasing for the last three years. It was supposed by that class—he could not say whether justly or not—that the depression which existed amongst agriculturists, and the decrease of their profits for the last three years, had been produced by the measures affecting agriculture which had been introduced during that period: and, under those circumstances, he did not think it was too much for them to look forward to some proposition for the relief of agriculture in the Budget; particularly when, previous to its being laid before the House, it had been ascertained that there was so much surplus revenue. He regretted very much that no such proposition had been made; and that when such a reduction of taxation was proposed, the agriculturists had been passed unnoticed, or, at least, not mentioned until the last line or two, according to the reports of the right hon. Baronet's speech which he had seen. It

was true that the right hon. Baronet might expect the financial measures which he proposed would be beneficial to the commercial and agricultural interests; and he hoped that in such an anticipation the right hon. Baronet would not be mistaken; but there was still a considerable degree of disappointment experienced amongst the agricultural class. He would not contend that the reduction of taxation which was proposed, would not be generally beneficial; for so extensive a reduction as three millions and a half must be felt somewhere. He hoped it would be felt by all parts of the community; and he sincerely hoped that it would be felt by the agricultural portion of the population, in common with others. He had heard with satisfaction, when the renewal of the Income Tax for three years was proposed, an opinion expressed by the right hon. Baronet, that if the House consented to its continuance, it was probable the Government would be enabled to propose its remission at the end of that period; and he (Mr. Palmer) had a strong opinion that his impression was correct from what he had heard at the other side of the House. He hoped that the time was not far distant when they might look for the remission of the tax altogether, for it would be an intolerable evil if it were made permanent. He agreed with the noble Lord (Lord J. Russell) and other Gentlemen opposite as to the odiousness of the tax; and he remembered when a Nobleman, not now in the House, brought forward in the House of Commons a proposition for the repeal of the Malt Tax, and it was suggested that a Property Tax should be laid on instead, the right hon. Baronet made use of very nearly the same expressions with respect to the Income Tax which were now used at the other side of the House. In 1842, when the question was under discussion, he expressed his opinion that the mode proposed of levying the tax was unequal and unjust—namely, that those persons whose incomes arose from permanent property, or who had property in the funds, which they could leave to whom they pleased, and who, consequently, had a greater stake in the country, should be placed under the same circumstances with respect to the tax as those whose income was of a fluctuating character. He at that time expressed his opinion that those whose incomes arose from permanent property ought to pay a larger per centage than those whose income arose from trades or professions, and whose income was conse-

quently of a fluctuating character. He stated that three years ago, and he was still of the same opinion; and he should vote with the hon. and learned Member for Bath, if it were not that the Amendment of the hon. and learned Member would, if carried, have the effect of leaving out altogether from the operation of the tax all trades, professions, or offices. He was of opinion that those who came under that denomination should not be taxed in the same proportion as those whose incomes were of a more permanent description; but then the hon. and learned Member for Bath would see that the Amendment, unless he was mistaken, proposed to omit them altogether. His opinion as to the inequality of the mode of imposing the tax was unchanged; and if the hon. and learned Member for Bath proposed a Motion which would have the effect of making it more equal in its operation, he (Mr. Palmer) should willingly vote with him; but he could not support a proposition which, if he were not mistaken, would omit the incomes arising from professions, employments, or offices, from the Schedule.

Mr. T. M. Gibson said, that to the complaints of the hon. Member who had last addressed the House, and the hon. Member for Dorsetshire, of the neglect of the agricultural interest, the most appropriate answer which could be given was that which had been given on a former occasion by the right hon. Baronet the Secretary of State for the Home Department, with respect to Ireland, namely, that concession had been carried to its farthest limits. It would be highly satisfactory to the House if the hon. Member (Mr. Palmer) and his Friends could point out the particular grievances of which they complained, and explain how they affected them. He had, on the contrary, heard it stated, that the agricultural interest had been favoured with great exemptions in the distribution of the national burdens, and that care had been taken to throw the largest amount of those burdens on the manufacturing and commercial community, and that in the imposition of many important items of taxation the agriculturists were left out. The immediate question before the House now, however, was the Income Tax, and to that he should apply himself; and though he felt a little difficulty with respect to the proposition of the hon. and learned Member for Bath, yet he could not go altogether with the hon. Member for Kendal, although he agreed with him that, when a man gets rid of his

income, he also gets rid of his Income Tax. It was quite true that, at the end of all time, if a man could be supposed to be immortal, and to have enjoyed his income during all time, he would have paid his tax constantly, if it were permanent; whilst the more fortunate individual, who lost his income after the lapse of three or four years, would have escaped the tax, by the loss of his income, and could not make a similar complaint. It appeared to him that a different measure of proportions ought to be applied to the income arising from professional and commercial exertion, from that which arose from permanent property; but he was not disposed to leave out altogether the incomes arising from professional and commercial exertion. He was not one of those who thought that offices, and professions, and trades, ought not to pay some Income Tax; and the most reasonable plan appeared to him to be, as had been proposed by the hon. and learned Member for Bath, to capitalise property for that purpose. In the Income Tax of 1692 he found, on reading over the statements referred to by the hon. Member for Montrose, that in manufactures and trade the value of the capital employed was taken. Then the Income Tax was calculated upon the interest which was computed to be received. If a manufacturer's mill and machinery were worth, say 100*l.*, and the profits of his business were expected to realise 5 per cent., then such a person had to pay a tax of 5*l.* In 1692, the amount was 4*s.* in the pound. That was a time when the country was much in want of money; and, therefore, the Government was unwilling to remit any tax. There was a war with France, and taxation was carried to that extent that there were taxes upon births, upon marriages and burials, upon widowers and bachelors; but even then, it was not thought right to put the same tax upon trades and professions as upon real property. If this had been done before, why might it not be done now? and it appeared to him that the most reasonable proposition would be to appoint a Select Committee to inquire whether or not the same amount should be imposed upon trades and professions as upon real property, and if not, what amount should be levied upon the former, and also whether a less inquisitorial mode could not be devised of assessing the tax upon trades and professions. Considering it to be unjust to impose the same duty upon trades and professions as upon real property, he

should give his vote in support of the Motion of the hon. Member for Bath; but he should have preferred it if that hon. and learned Gentleman had allowed the present proposition to pass, and taken an opportunity in Committee to propose Amendments to effect the object which he now had in view.

Mr. *Miles* candidly confessed that seeing the situation of the country, knowing that to establish credit on the firmest basis was the surest sign of prosperity in a country, and feeling that no reduction of taxation upon land could be obtained without an Income Tax carried on for three or four years longer, he felt that to give activity to commerce and manufactures, and in some degree to alleviate the indirect taxation upon agriculture, the Income Tax would be on the whole beneficial to the country. He did not mean if rendered permanent; he meant that it should be continued only for a short time. If he were asked whether we should endeavour to relieve industry by rendering it permanent, he should say not. Still he thought the right hon. Baronet had introduced the measure with the best intentions; but that he had not considered all the interests that were concerned. He found that commerce and manufactures were in a flourishing condition if compared with the state they had been in two or three years ago; but he found agriculture depressed, and yet no attempt was made indirectly to relieve agriculture; by direct means he believed it to be impossible. He was not one who would stand up in that House and ask the right hon. Baronet to take off the Malt Tax, because, in the first place he knew the surplus would not allow it, and in the next place the agriculturists, if they made such a demand, would be looked upon as endeavouring to monopolize everything that could be remitted in the way of taxation; but when there was a surplus of three millions and upwards, he thought agriculture should have been taken into consideration concurrently with commerce and manufactures, and considering the party which supported the right hon. Baronet, the small remission of indirect taxation which had taken place, and the great power that now presented itself by the reduction of the county rates of materially relieving agriculture while there would be also a great tendency thereby to benefit the nation generally, by placing those rates under better guidance and a more regular ma-

nagement, and thus relieving agriculture from a great pressure which existed upon it, he thought that the right hon. Baronet ought not to have neglected such an opportunity. But at the same time he must say he gave the right hon. Baronet credit for the remission of the taxes upon raw material, upon cotton, and upon glass; and after he had said that, he must add that he thought the right hon. Baronet, in remitting other large items of taxation, ought to have turned an ear to the remonstrances of those who had addressed him—he hoped and trusted in a proper form and a proper spirit—thoroughly setting forth their case, not in the words of noble Lords or hon. Members of that House, but in the words of farmers practically acquainted with agriculture, and knowing its condition and its wants. He must say that he, as an attentive observer of all that had passed at the deputation to which he alluded, thought the right hon. Baronet was touched by the representations which were made to him. As the farmers had no Board of Trade, they had nothing for their protection but the voices of their Representatives in that House. He was sorry to find that their hopes had been dashed from them. The amount of 2,465,000*l.* Income Tax was contributed by the real property in England and Wales out of the total of 4,090,000*l.*; and yet, although real property contributed to this extent, there was not a single tax touched by which the landed interest would be benefited, while a great remission of taxation was granted to manufactures and commerce. He had always defended protection to agriculture, on the ground that what was a benefit to one class must benefit the other; and now he felt that the lower classes must be greatly benefited by the reduction of the duty on cotton, the duty on sugar, and in a certain degree by the reduction of the duty on glass. The only time that he had heard the right hon. Baronet mention agriculture in his speech of the other evening was in making reference to the auction duty. The landed interest were not asking for any reduction as landlords, and he believed that as regarded the auction duty the landlord would be the only party benefited, because, if a sale of agricultural produce took place at a farm no auction duty was charged. It was for the tenantry that he spoke. He could assure the right hon. Baronet, from the letters he had received, and from the general gloom which pervaded those counties in the neighbourhood of the metropolis,

where people had had the benefit of reading the right hon. Baronet's speech, the greatest despair was felt throughout the country. The farmers had hitherto looked to the right hon. Baronet as the defender of their rights; but they now saw that he totally passed over them in their distress, and would not give them any relief, after imposing upon landlords and tenants, and real property of the country, a burden to the amount of upwards of 2,400,000*l.*, to which they were to submit for three years. All he could say was, that agreeing as he did in much that had been said on both sides of the House, but certainly not in that kind of spirit which would tamely submit to everything which a Minister might dictate—if he stood alone he would at a future period give an opportunity to the House, and to those county Members who were returned on the faith of maintaining certain principles, which he hoped and trusted they would carry out—an opportunity of stating whether, in the great remission of taxation which was to take place, the agricultural interest ought or ought not to be benefited. He would offer one suggestion relative to the Property Tax—if it was to be imposed, let it be both a Property and an Income Tax; and he only wished that in the case of the tenant, the right hon. Baronet would give an appeal. At present there was none. The tenant was taxed one half of his rent, whether he derived a profit or not, and he had no appeal. He therefore suggested this one point for consideration, which would in no way alter the principle of the Bill. He trusted that the measure would be a great benefit to the country, but he could not help regretting that the agricultural interest had been wholly overlooked.

Mr. *Vernon Smith* rose principally for the purpose of asking a question of the right hon. Baronet. Before, however, he did so, he wished to observe that in the course of the various schemes or chances of prosperity which were held out, and the speculations indulged in by the right hon. Baronet, two positive results only were shown to arise—the first that the agricultural interest had nothing to hope for in the way of relief from the right hon. Baronet, or from any other minister. The hon. Member for Dorsetshire professed that he entertained no hope, and in this sentiment he was followed by other Members connected with the agricultural interest. Although having nothing like the interest

which those hon. Gentlemen had in agriculture, yet having some small stake in that interest, he trusted they would permit him to ask of them not to follow at the heels of any Minister, but apply themselves to show to the country what the real condition of agriculture was—he believed it to be one of distress—and if they did labour under such burdens as were often complained of on their part, to show them to the public. His belief was, that although the landed interest were not subject to burdens of general taxation from which other classes were free, yet that they had local taxes to which others were not subject. But on that topic they were silent. Except in the speech of the hon. Member who had just sat down, not a word had been said respecting it; and a Report, containing as much valuable information as in any document ever presented to that House, had been suffered to lie on the Table for two years without any notice whatever being taken of it, although it was therein stated that without even any alteration of local taxation, but simply by a better arrangement of it, great economy and saving might be effected for the country. To these topics the agricultural classes ought to apply themselves, seeing that they had no hope from the Minister. These subjects were worthy of their energies, and would place them before that public in a better position than any in which they had ever stood before. He did not trouble them with such advice as their enemies and some of their Friends did—to apply to the cultivation of their lands. Whenever they complained of distress they were asked, “Why do you not cultivate your lands better?” and their answer was, “Because we have not capital to cultivate them with;” and a very good answer it was; but he thought it would be desirable for both landlords and tenants to exhibit themselves in such a position before the country as would show the reality of their distress. The only other positive result was, as had been said by his Friends at that side of the House, that they were about to saddle the country with a permanent Income Tax. The hon. Member for Bath might fairly ask him why, if he thought it was intended to be permanent, he did not vote with him as he had done on the Motion which he had made in 1842, for a more moderate assessment of professions and trades? He would tell the hon. and learned Gentleman why. Although he believed the tax would be permanent as a tax, he believed that at the ex-

piration of a limited time the House would be in a position to consider its details, and he thought that at the end of the proposed interval they might have such a surplus as would enable them to entertain some such proposition as that of the hon. Member for Bath; and seeing that the First Lord of the Treasury was about to undertake a great measure, he preferred endeavouring to bring up the Revenue by means of the Income Tax, according to his proposition, rather than risk its diminution, according to the suggestion of the hon. Member for Bath, because in three years’ time he should have an opportunity of taking his stand against anything that was oppressive in that tax. It would be idle of him to rail against a tax which he was prepared to support by his vote, further than to say that the tax was an objectionable and impolitic one. He had heard no one speak in favour of it, except the hon. Member for Kendal, for reasons which were unintelligible to him, and the hon. Member for Donegal, for reasons which were perfectly intelligible to him, because that hon. Gentleman did not pay a farthing of the tax. But he would tell the hon. Member for Donegal, that in three years hence, if he should be a Member of that House, and if such a proposition were made, he should be prepared to vote for an extension of the tax to the country to which that hon. Gentleman belonged. He thought it most intolerable that, in its present state of prosperity, Ireland should be relieved from this tax—when restored from a state of agitation to a degree of tranquillity which had never before existed. If that country was prosperous, let it pay. The test of prosperity was payment. If she was in a state of tranquillity, let her contribute to the Income Tax. He assured the hon. Member that that would greatly tend to support public credit, for which he professed such fondness, and might even raise the price of the funds, which the hon. Member now generously said was his only object in the exemption of himself. He should not detain the House at that hour, except to bring under consideration one matter which had not been commented upon, and which he thought the right hon. Gentleman had not dealt fairly by. If Members were to support the Income Tax, they ought to know for what they were to support it. There was a portion of taxation which he proposed to take off, but upon which with his usual adroitness he had said nothing more

than a few words. There were, it seemed, 430 articles upon which the duty was to be struck off, and by which about 370,000*l.* was to be lost to the Revenue; but there was a little suspicion about this. Let the right hon. Baronet recollect how much discussion there had been on this subject, before, and how many interests were affected by these small articles. Hurried as the House had been, considering the magnitude of the proposition, and the effect of his Resolution, the right hon. Baronet ought to have laid on the Table, as he had promised to do, the names of the articles the duties upon which he proposed to take off, because although the articles individually might appear small, yet they might affect the interests of particular constituencies, and hon. Members ought to know whether, by having the effect of introducing a larger consumption of foreign articles, this proposition might not add to, instead of relieving the distress of their constituencies. For these reasons, the right hon. Gentleman ought to have stated what the 430 articles were.

Sir *R. Peel*: The hon. Member who has just addressed the House will have for his inspection either to-morrow or next day, a paper which will contain a list of the whole of the articles now included in the Tariff, and from which it is now proposed by the Government to remove the duty. When I introduced the financial measure of the Government, I stated generally that certain remissions of duty would take place—I mentioned some of the raw materials from which it is proposed the duty should be removed, especially those connected with manufactures. But if the hon. Member meant that I should have gone through the whole of the 430 articles from which it is proposed to remove the duty in the statement I made on Friday night, I must say that I feel I should ere I had enumerated fifty of the articles have completely exhausted the patience of the House. I think, therefore, that I adopted the best plan in the course I pursued. The hon. Gentleman will, however, find a complete list of the articles he refers to in the paper which will be ready to-morrow or next day. Now, Sir, I was sorry to hear from my hon. Friend the Member for Somersetshire that I have been insensible to the distress which in some parts of the country prevails among the agriculturists. My hon. Friend the Member for Somersetshire stated that I had received the statements of the tenant-farmers, and that I had listened to

them with very great attention. And he stated what was perfectly true, that I was “touched” by the statements they made. [*A Laugh.*] I cannot see any cause for merriment in my admission. I certainly did lament the local distress which I was informed existed in some parts of the country. My hon. Friend seems to think that I have not expressed any sympathy for the suffering existing in the agricultural districts. But I did express sympathy for local agricultural distress; that sympathy I again express, for I believe that there exists in some parts of the country distress amongst agriculturists, that distress being attributable, in my opinion, to natural causes—to the season. The long-continued drought, the failure of the hay harvest in some parts of the country, and the failure of the turnip crop in other parts, have been injurious to the farmer, and the consequence is, that there exists local agricultural distress. I admit the existence of local distress, and sincerely regret it. But I cannot see that the distress among agriculturists is universal. I believe that though in England local agricultural distress exists, in Scotland and Ireland distress is by no means prevalent, and that the produce of wheat and some other articles has in many cases been abundant. As to the adoption of measures for relieving local distress, I must say that it is difficult to devise them, caused as that is by the seasons and the failure of the crops. Now, if my hon. Friend the Member for Somersetshire will call to mind what passed at the meeting to which he has referred, he will remember that no suggestion was offered with respect to the remission of any particular tax. I think that there are taxes which do bear heavily on the agricultural labourers—I certainly think that the Malt Tax is one of these. I think that the Malt Duty does press on the agricultural labourers. But at the same time it will be remembered that I did most strenuously resist the repeal of that tax in the year 1835, and I think that the agriculturists feel that the repeal of the Malt Tax would not give a general and universal relief. In some places a feeling exists in favour of a repeal of this tax; but there are many parts of this country which do not consider that a repeal of the Malt Tax would confer a very great general advantage. I paid great attention to the statements and representations which were made to me at the meeting the hon. Member alluded to: but no suggestion whatever was made as to any

particular tax being remitted; and I must say that it would not be easy to find a tax peculiar to the agricultural interest. The tenant-farmer, it should be remembered, paying under 300*l.* a-year for rent, does not pay the Income Tax. I feel that local taxation does press heavily on the landed interest, as compared with the other portions of the community; but it would be exceedingly difficult for one dealing with this question of the Income Tax to give any relief by means of interfering with local taxation. I think the Government did right in paying a portion of the expenses of criminal prosecutions from the Consolidated Fund; but I should object to taking any portion of the expenses incurred by the maintenance of roads and bridges out of that fund. I think the payment by Government of any portion of the expenses of maintaining roads and bridges would be highly objectionable, and that that species of local expenditure should be superintended by the agriculturists themselves, and altogether apart from the interference of any Government officer. I have now, I do assure my hon. Friend, the Member for Somersetshire, the firmest conviction that if they will take advantage of the measures which will follow the continuance of the Income Tax, their interests will be more promoted than if I were to deal with local taxation, and charge the Consolidated Fund with part of the expenses now payable by the agricultural body. If that be the case, and that it be inexpedient to deal with the Malt Tax, and that there be no other tax pressing upon agriculture, my hon. Friend must feel that I am not in a position to suggest the remission of that tax, which falls peculiarly upon agriculture. The repeal altogether of the glass duty, the repeal of the duty upon raw cotton, will, in my opinion, benefit the agricultural interest. Indeed, I cannot conceive a class that will derive greater benefit from the repeal of taxes of that nature than the agricultural class. Take the agricultural labourer. We have all the utmost desire to better his condition. Is it right, then, I ask, to continue a tax which falls with peculiar severity upon the articles of clothing worn by the agricultural labourer? Take the muslin of the rich. There is no portion of the tax of three-eighths of a penny per lb. upon cotton levied upon that article, while the dress worn by the agricultural labourer does pay a considerable portion of that tax. I say, then, remit that tax, and you clearly give to the agri-

cultural labourer the means of purchasing a necessary article of clothing at a lower rate. Again, with respect to glass. If you reduce the price of the square foot of glass from 1*s.* to 3*d.* or 4*d.*, it is clear that both the landlord and occupying tenant will derive great benefit from it; and if you increase the demand for labour,—if you remove the pressure from the springs of industry,—and not only introduce prosperity into the manufacturing districts, but afford a guarantee for its continuance,—I must again repeat, that I believe the interval will be but short before the agricultural interest will find itself partaking in that prosperity. Therefore do I think that the course I propose to pursue would have a direct tendency to ameliorate the condition of that interest in the country, the distress of which I deeply lament. With respect to the auction duty, I hope the House will not come to a hasty judgment upon the policy of removing it. The noble Lord taunted me for proposing to repeal a duty against which no one has raised any objection. Let me hope that the noble Lord will read the opinions of those who were appointed by himself to inquire into the operation of the Excise Duties. Let me hope that before the noble Lord ridicules the repeal of this duty, he will read the opinions of Sir Henry Parnell and of Mr. Wickham, the present Chairman of the Board of Stamps and Taxes, and see what they say in reference to it. I moved to-night for an account of the exemptions from that duty which have taken place from time to time; and also of the property which was subject to account under the direction of the Board of Excise, and of the amount of property under which the duty was actually levied; and I think the return will prove to the House, from the nature of the establishment necessary to be upheld for levying it, from the numerous attempts at fraud which it gives rise to, and from the consumption of time occupied in seeing whether the right of exemption from the auction duty do or do not exist, that it is extremely advisable to repeal that duty. Indeed, from the cases of exemption alone, the House will be able to judge whether it will not be for the benefit of all classes to permit them to dispose of their property in whatever manner they may think most conducive to their interests, without being subject to this duty. The noble Lord censured me for entering into a discussion about the Army Estimates, and for attempting to show

that there is sufficient reason for maintaining the present amount of force. I know that the statement I made was made in substance on a former occasion: but I also know that if I had not referred to the expenditure of the country, if I took for granted that the estimates were right, and neglected to state the reasons which induced Her Majesty's Government to think it would not be prudent to reduce the army, or declined to suggest any reason for the increase in the Ordnance and Navy Estimates—I knew perfectly well that if I did that, if I proposed to maintain the Income Tax, and yet omitted altogether the consideration of expenditure, I should have been met by declarations that there ought to be a reduction of the Estimates, and that our present amount of surplus precluded the necessity of continuing the Income Tax. I did endeavour therefore to show the House that the army could not be reduced, and I did advance sufficient grounds, I hope, for showing that the Navy and Ordnance Estimates ought to be increased, and I did so before I directed myself to the question of the Income Tax, because I felt that a justification of the proposed expenditure ought to precede the application for the continuance of that tax. It may appear very ungrateful to quarrel with one's supporters, and, as the noble Lord and his Friends intend to support me, I am unwilling to say a word that may tend to prevent them from acting upon that intention. But the noble Lord having begun by stating that of all taxes imposed upon the country the Income Tax was the most vexatious, the most oppressive, and the most unjust, I can only say that I was most agreeably disappointed when I found that he intended to give it that sort of support which is decidedly the most useful, the most cordial, and the best—the support of his vote on a division; and, considering that the noble Lord does believe that this tax is, of all others, the most oppressive, inquisitorial, and vexatious, I feel still more sensitively on that account the compliment and value of his support. Having the opinions of the noble Lord and his friends in favour of the tax, and their ready consent to vote for its continuance, I do hope I have not said anything to shake their determination. The noble Lord did not, certainly, refer to this circumstance,—that, supposing his present position happened to be changed, and that he found himself on these benches, he would feel this surplus

of 5,200,000*l.*, however derived, to be a most comfortable addition to the ordinary and permanent Revenue of the country. And I am perfectly certain that the expectation of such a contingent advantage in the event of his succeeding me did not at all enter into his mind; but that upon the whole he does think with me, that it is for the public interest that this tax, objectionable as it is, should nevertheless be continued for the further period of three years. I quite agree with the noble Lord also that we ought to continue it simply as it stands at present, and without attempting any modification of it. After the opinions we have heard expressed to-night upon the subject of a modification, and considering the sort of discussions we should have in Committee upon the several proposals to be brought forward by the hon. Members for Kendal, for Bath, and for Somersetshire—looking at the specimen already afforded us in this preliminary discussion, I think the House can scarcely refuse to come to the conclusion that it is better to vote for the continuance of the tax for three years longer in its present form, than encounter the tedious and unnecessary discussions which those proposals would inevitably lead to. With respect to funded property, every Loan Bill has contained an engagement to the public creditor that persons possessing funded property should not be subjected to any tax that did not equally apply to all. Mr. Pitt declared it to be a violation of public faith to act in opposition to that engagement, and whether the interest be permanent or temporary you will find it necessary to respect that engagement. Indeed, my opinion is, that any attempt to convert annuities into capital would prove wholly futile, and that even if it were not, the scrutiny which you would oblige persons to undergo in consequence of the attempt would be most objectionable. Besides, it is in the nature of all taxes to press unequally. The surgeon or the artist will have to bear the burden of a tax levied on glass and cotton, but may escape that on wine by not consuming it; but the man with a temporary interest in his property is under the same obligation to pay as much as the man with a permanent interest. I much doubt, however, whether in case of such taxes as the tax upon glass and cotton, the sum I shall remit for three years to a man with no permanent interest in his income, will not amount very nearly to the sum he will have to pay on account of the Income Tax.

What I propose is this:—I ask a man with an income of 5,000*l.* a-year to contribute for three years about 140*l.* a-year, not merely for the purpose of having an increased expenditure on account of the Navy, but for the purpose of promoting an experiment, from the result of which, if successful, as I think it will be, he will not only derive immediate benefit, but conduce by this temporary sacrifice of 2*l.* 18*s.* per cent. to the future prosperity of the country. He will purchase glass, and all those articles on the raw material of which the duty is to be reduced at a lower rate; while his servants and labourers will be enabled to purchase the necessary articles of wearing apparel cheaper than before. This will afford to him some immediate compensation for the payment of the Income Tax. That tax, I must observe, will also afford a guarantee for the continuance of our present prospects, and at the same time diminish the chance of vicissitudes. I have been asked by the hon. Member for Devonport what assurance I could give that this tax should expire at the end of three years. I said I should have felt with greater confidence that the taxes remitted would recover themselves, or rather that there would be an increase in the consumption of other articles on account of the remission of these taxes, if the Income Tax were continued for five instead of three years. I feel bound to say that for so extensive an experiment three years is rather a short period. I said so the other night. If I could have been perfectly sure of success I would have proposed it for five years; at the same time I do think there are good grounds for hoping that at the end of three years we may be at liberty to discontinue it. I see the population of the country increasing, the capital of the country rapidly accumulating, and I think if we facilitate the application of that capital to new branches of industry and manufactures, that the effect will be greatly to increase the demand for labour; and with the demand for labour to increase the consumption of articles subject to taxation. If I look to the declared nature of exports in 1844, and compare it with that of 1843, what do I find? That in 1843 the declared value of exports from this country was 44,812,000*l.*; and that in 1844 it amounted to 50,515,000*l.*, showing an increase of more than 5,000,000*l.* in the course of that short space of time. I see many causes combining to increase the prosperity of the country. The

establishment of railways, rendering travelling more easy and traffic less expensive; a surplus capital, instead of seeking for investments on foreign security; and an increasing population,—are circumstances calculated, I think, to justify the hope that at the end of no very remote period there will be an increase in the consumption of articles subject to duty, and with it an increase of production. We shall have in the year 1849 a proportion of this Income Tax; supposing the Income Tax should not increase during the three years, we shall have a sum of 5,200,000*l.* a year to deal with. On the 5th of April, 1848, the Income Tax will expire; but in the year following we shall be allowed to take credit for the sum of 2,600,000*l.*, being half a year then uncollected, as we should be entitled in the course of this year, if the House shall not consent to a renewal. Therefore, I may say that the Income Tax will last, subject to a reduction of one-half in the fourth year, to the extent of four years from this time, only that it will yield but 2,600,000*l.* in the fourth year. I cannot so far foresee events and occurrences as to be able to guarantee that this tax may not be necessary at the end of that period. Nay, at the expiration of the present time the House may be of opinion, although no Government may ask them for renewal, that there ought to be a continuance of the tax. If that should be the opinion of the House I trust that the right hon. Gentleman will not hold me to an engagement made now, that the tax should then necessarily cease: but I have every reason to think that there will be a fair opportunity for the House to consider, at the end of that period, whether this tax ought to cease. I make, however, a great experiment now, with this full confidence—that whatever may happen, the House is determined to maintain unimpaired the public credit. The right hon. Gentleman, the Member for Halifax, has stated that possibly the Sugar Duties may not answer the expectations I have formed, and has hinted that they may not recover quite so rapidly as I expect. The House, however, will remember that for the next two years we shall have an additional revenue of 600,000*l.*, for which I have not taken credit. Suppose there should be some falling off in the estimate I have formed of the produce from the Sugar Duties, we shall still be in the receipt of the 600,000*l.*; and if the falling off be only temporary, of course we shall have an available set-off in

this sum for any diminution of the Sugar Duties. Upon those grounds we recommend the adoption of this tax—they are grounds, however, which it is impossible to reduce to any accurate calculation. We are about to take off the duty upon many raw materials which enter largely into manufactures. I admit with the noble Lord that these reductions may be attended with the loss of revenue; but that peculiar political economy which would prevent a reduction of the Tariff, because there would be a loss to the Revenue, is most extraordinary, especially as falling from the noble Lord, who has the credit of being so great a financier. There is no doubt if the noble Lord takes this book, showing the effect of the late alterations in the Tariff, he will find that the reduction of duties on raw materials has led to a loss in the Revenue. Of course the reduction of duty may have this effect; but if we find, concurrently with this reduction of duty, a greater increase in the manufactures of this country; if we find increased exports, and if we recollect that there cannot be these increased exports without an increase of labour, surely we must not complain very much at the loss of revenue. So it is with respect to the wool duties: no doubt I may be taunted with the loss of 100,000*l.* to the public Revenue; but if by the reduction we have stimulated the manufactures; if there has consequently been great activity in the woollen manufactures, and in the numbers employed; will not the noble Lord find in that increased demand for industry, in that progress of the manufactures, and in that increase of exports, ample satisfaction for the loss of the 100,000*l.*? I am prepared to tell the noble Lord by the reduction of the 600,000*l.* for the cotton duties we may expose the Revenue to a loss; and the only way in which we can recommend the reduction is, that by reducing the duty we shall enable our manufacturers to enter into competition with formidable rivals, and that the advantage which will be gained will be more than a fair and complete compensation for any such loss. The noble Lord's argument, indeed, would be an argument against any reduction of duties on raw materials, if he should only say, "See what a number of taxes you have reduced, and there has been no increase in your revenue." On Friday night I told the House it might have been possible for us to have avoided the necessity of renewing the Property Tax. I do not wish to say one word in favour of a continuance of the tax be-

yond the three years; I do not think that the House will agree that the Income and Property Tax as now imposed ought to be permanent; I do think, however, they will deem a present renewal proper, for the purpose of enabling us to make a great experiment with regard to very onerous taxation, although they may not deem the tax such as ought to be permanent in the time of peace: but I hope that in so continuing it they will not impair its efficiency during war, by now making too many exemptions, or admitting too many claims to relief. At the same time, I must say, that I believe the tax to be less onerous now than it was in the years 1842 and 1843; there have been less complaints made in the course of the last year at the Stamp Office, than in the first two years; and for the next three years, I do not expect any great complaints by the payers of this tax, or any very urgent demands for its immediate repeal, and for the restoration of the other duties we now take off. We are deeply convinced, seeing the nature of the duties we are about to remove, seeing that the repeal of the duty on glass will operate in largely increasing the manufacture, and seeing the increased means of competition that will be ensured to our manufacturers by the repeal of the duties upon cotton—we are decidedly of opinion, as regards the glass duty and the cotton duty, that the repeal of both is of the most urgent necessity. It is from that conviction—believing that all classes of the community will benefit largely by the remission of taxes which interfere with our manufacturing prosperity, the removal of which is of the utmost importance—that we have come to the conclusion that it is our duty to propose the renewal of the Income and Property Tax for a further period of three years, and I hope that in this proposal we shall be supported by the almost unanimous opinion of this House.

Viscount *Howick* said, that he did not mean to address more than a few observations to the House. He could not, however, after the speech made by the right hon. Baronet, avoid expressing his great disappointment that no attempt had been made by him to reply to the statement of his hon. Friend, as to the general financial condition of the country, and which was a comment on that delivered by the right hon. Gentleman. To the exposition of the unsatisfactory statement of the right hon. Baronet, no attempt at a reply had been made. His hon. Friend (Mr. C. Wood) had demonstrated how unsatisfactory was

that statement, and yet to that the right hon. Baronet had not answered a single word. Let him remind this House and the right hon. Baronet, that even upon that right hon. Baronet's own figures, how incorrect his statement was proved to be. His hon. Friend had shown from those figures how different must be the result from that on which the right hon. Baronet relied, and this too, though he possessed the renewal of the Income Tax for three years. Now, however, they heard that it was to be continued probably for a much longer period. The nearer they got, the more distant this desirable object seemed to be—it was like the horizon, the farther they advanced, the more it seemed to recede from them; for now they were told it was more likely to be five than three years. Upon the statement of the right hon. Baronet, it was shown that the whole of his surplus was 90,000*l.*; that he had stated his surplus to be 3,400,000*l.*; and out of that surplus, according to his own calculation, he disposed of a sum of 3,310,000*l.*; thus leaving a balance, on that showing, of only 90,000*l.* as the sole surplus that they could calculate upon. Was that, he asked, a sum sufficient as a surplus or margin of revenue for our vast expenditure? Let it be recollected by the House that they had had a good harvest last year, and an unusual degree of prosperity. Was it then proper—was it expedient to run so fine, to run so very great a risk of a positive deficiency with no greater sum than that which the right hon. Baronet, under the most favourable circumstances, and on his own figures, showed to be but a surplus of 90,000*l.*? And how did the right hon. Baronet arrive at that balance, small as it was? It was entirely problematical. It depended upon the advantages to be derived from an increased consumption of sugar, a result which no one Gentleman connected with the sugar trade, whether on his side of the House, or on the other, would venture to say would be realised. The right hon. Gentleman calculated on not less than one million from that source, which was entirely problematical. He had calculated on an increase of one-fifth on the whole consumption of sugar—he reckoned on the consumption of sugar of a superior quality and in a considerable quantity—and if in any one of these respects he should be disappointed, there would not be a surplus, but a deficiency. He asked if any one ought to be required to submit to the Income Tax with this unsatisfactory state of things before him?

Ought they to remit so much taxation when there was not a surplus, but the probability of a deficiency at the conclusion of the financial year? He, for one, thought that the statement was most unsatisfactory. He agreed with his noble Friend near him in having the strongest objection to the Income Tax. He did not see, however, for the moment, how they were to dispense with it. He was prepared to vote for it, as a temporary measure; but, in voting for it, he said that the House and the country had a right to expect that the right hon. Gentleman would bring forward measures of such a nature that the House and the country could entertain the well-founded hope that at the expiration of the three years they might get rid of the Income Tax. He thought that it ought to be in the power of the right hon. Gentleman to give them that hope; and that the description of taxes which a Chancellor of the Exchequer proposed to remove, should be of that nature that they were calculated to give relief to the people. Amongst such taxes, the first that should be looked to were the protecting duties. What was a protecting duty? It was a duty by which there was levied a great deal of money from the people, which never went into the Treasury. For instance, there were the duties on sugar. They might obtain sugar from Brazil at 12*s.* or 14*s.* the cwt. cheaper than Colonial sugar; but by compelling the people to consume Colonial sugar, they levied upon every pound of sugar that was eaten by the people, a tax that pressed sorely on them; and this they did keeping them from the use of the clayed sugar, and not benefiting the Treasury. Whenever they remitted a duty of that kind the revenue did not suffer, whilst they gave relief to the consumer. There was another class of duties that ought to be dealt with. These were duties that were too high, which checked consumption, and were in favour of the smuggler. A remission of such duties destroyed the smuggler, whilst the revenue itself increased. Now, the right hon. Gentleman might have dealt with the duties on sugar upon fair and intelligible principles; he might have got rid of the distinction between free and Colonial sugars, and his measure, even in a financial view, would have answered. He would go further, and say that if he made a reduction of the duties on sugars, he ought to equalise those duties, and if he had done so the revenue would have gained, and the relief given to

the people would have been infinitely larger, instead of there being a loss of 1,300,000%. There were, too, other articles with which he might have dealt, particularly the duties on cheese, butter, and other articles of that kind. The right hon. Gentleman might have dealt with them to very great advantage; and he might also have looked to those articles on which duties were levied to an extravagant amount, and therefore served as an encouragement to smuggling. Many duties of that description, he repeated, might well, and with great advantage, have been reduced. He might have dealt, for instance, with the duty on foreign spirits; and on all those articles on which there were protecting duties, and extravagantly high. He might, too, have dealt with the duties on tea. On all these the right hon. Gentleman might have tried an experiment for the relief of the people. If the article of sugar had been fairly dealt with on the principle of common sense—that was of free trade—but dealing, as they had done, not with one of the protecting duties, he asked how could any man believe that the revenue would spring up to the amount that had been proposed? He did not then mean to enter into the question further, because he did not object to the Vote which the Chairman held in his hand. He did, at the same time, most strongly protest against the measure—the renewal of the Income Tax, so accompanied as it had been. He did not like the people of the country to endure the burden of a most oppressive tax, when they had a right to expect that at the time it was imposed it would be accompanied by measures by which a fair and reasonable hope could be entertained that, at the period fixed for its discontinuance, they could be relieved from the burden.

Sir *J. Tyrell* said, if the House would bear him with a short time, as the debate was drawing to a close, he would endeavour to explain his views to them as far as the agricultural interests were concerned. He must say, notwithstanding the able speech of the right hon. Baronet on that evening, and his three hours' speech of Friday last, that he participated in the opinions of those who considered the agricultural interests hardly dealt by. It was ominous that the 14th of February, St. Valentine's Day he might observe, was an unfortunate day for the agricultural interest. For when, in 1834, the right hon. Baronet was paying his addresses to the agricultural interests, his language was of a very

different nature to that which he at present held. He did not wish to be tedious to the House, but he desired to make it intelligible to the country, what the expectations held out by the present Ministry to the country then were. He wanted to know why the agriculturists had entertained hopes which had been entirely blasted by the financial statements of the Government. He was aware that the right hon. Baronet was a very difficult bird to put salt upon his tail. He was sure many abortive trials had been made to salt his tail. He knew how dangerous it was to quote *Hansard*; but however obtuse agricultural gentlemen might be supposed to be—however wedded to the plough—however accustomed to talk of oxen—still he thought that the language of the right hon. Gentleman to the agricultural interest, and that likewise, of the noble Lord who had since then been translated to the House of Lords, for no other services than those which he had rendered to agriculture, he meant Lord Ashburton, were such as to justify hopes which the result had far from realised. The particular speech to which he alluded was one made by the right hon. Baronet on the occasion of Lord Althorp's Budget of 1834; and if the House would bear with him whilst he read some extracts from it, he thought they would agree with him that the agriculturists had been hardly dealt by. The noble Lord, the Member for Northampton, on the occasion referred to did give cause for expectation that means would be devised for the relief of the agriculturists. He would not say that the noble Lord held out any hopes, but he certainly did point at that course; neither would he (Sir *J. Tyrell*) say that the remission of any direct tax pressing on agriculture was promised; but he alluded to the circumstance in order to show that such a course was then in contemplation, at all events, by one party in that House. It was, indeed, more in accordance with the contents of a volume which he held in his hand, from which he begged permission to read an extract from the debate of the 14th of February, 1834, on the Budget of Lord Althorp. The right hon. Baronet then read—

“The noble Lord said, he could not afford more than the 1,200,000%; and, admitting that the noble Lord had only that sum to concede in the reduction of taxes, he thought that consistently with keeping faith towards the national creditor, the noble Lord was

perfectly right not to make any greater reduction. He would not offer any opinion as to the tax proposed to be reduced, but he must express his regret that some reduction had not been made which would give relief to the agricultural classes. He would admit that those classes would derive some benefit from any improvement in the circumstances of the other classes with which they were so intimately connected; but when he recollected the distress which, in the Committee of last year on agriculture, was proved to exist in the agricultural class—when he considered the great patience with which that distress was borne—and when he found in His Majesty's Speech allusions to excitement, and disobedience, and resistance to the law, which prevailed in some places, he could not but lament that the relief was given to the disobedient, and those who resisted the law, whilst the patient and submissive agriculturists got nothing. He would admit that, as there was only the sum of 1,200,000*l.* to be applied to the reduction of taxation, it would be difficult to show how it could be employed so as to give relief to the agriculturists; but he was bound to say, that if it could be shown that relief could be given out of the 1,200,000*l.* it ought undoubtedly to be given. He would not say, that relief should be given at the expense of public credit; but if it could be given without injuring public credit, the agriculturists had a strong claim to it. At present, however, all that was done was—that the towns got 1,200,000*l.*, while the agriculturists got only a civil paragraph in the King's Speech."

Now, he (Sir J. Tyrell) did say, after language of that description, the agriculturists, though they might not have a right to expect that the right hon. Baronet would be prepared to give them any positive boon, still they did rely upon his ingenuity in their behalf, and they certainly had a fair claim to some expression of commiseration from him. They had at least a right to look for so much, the more so as the right hon. Baronet's Tariff had tended to depreciate the value of their produce. He also said this with reference to Lord Ashburton's declarations, when an alteration took place in the law as to the Channel Islands and to Canada. Lord Ashburton had been selected, he should observe, to negotiate a most difficult affair, that of the Boundary Question—a mission which had redounded so much to that noble Lord's honour. The noble Lord was giving his opinion as to the effect likely to arise from corn being imported from Canada; he said that with regard to Canada a similar cause of complaint existed. In the year 1828, Canada did not send more than 4,000 or

5,000 quarters into Great Britain, whereas at present 100,000 quarters were imported from Canada. This increase, the noble Lord contended, could only be accounted for from what appeared to his mind to be the fact—namely, that the United States supplied the greatest part of it; but that he maintained was not the object of the Corn Laws, and that the agriculturists had a right to look with jealousy on these proceedings, more especially as it was only a bonding system in Canada, and where there was a boundary line of 1,200 miles, which added to the difficulty. Now he would not say that that opinion was conclusive on the subject; but if the agricultural interest were under the impression that they were suffering from those causes to which he had referred, surely it could not be surprising that great anger should be expressed, and a great grievance be felt by the agricultural interest, in consequence of the measures of the right hon. Baronet. He had no hesitation in saying that he thought the agricultural interest was extremely hardly dealt with by the noble Lord opposite, the Member for London (Lord J. Russell), and he had often had a bone to pick with the noble Lord on this subject. Those by whom the noble Lord was supported were in the habit of saying that the agricultural was the predominant interest, and they had been accused that night of having a great influence with Her Majesty's Government—why he did not know. But the noble Lord the Member for London a few years ago had the power of framing the different portions of parties in which the interests of the House were comprised. He had heard the noble Lord distinctly recommend to them that the agricultural interest should be the predominant interest. [Lord J. Russell: "No."] The noble Lord shook his head. The noble Lord certainly did make the declaration to which he had alluded. The noble Lord had made so many declarations on the subject, not altogether in conformity with each other, that it was not at all surprising if his memory failed him on the present occasion. When the noble Lord brought up the Report of the Address, in the year 1837, he said,—

"Sir, at the time the Reform Bill passed, I stated my belief that it must necessarily give a preponderance to the landed interest; and although it may be deemed that such preponderance has been somewhat unduly given, I still think that a preponderance in favour of

that interest tends to the stability of the general institutions of the country.”

He begged pardon of the House for being so tedious at that late hour, but he thought a case was made out against the noble Lord that he had nevertheless proposed measures that had occasioned great dismay to the agricultural interest. Upon those measures he had appealed to the country, and twice the country had decided in an unmistakeable way upon the question, whether or not protection should be maintained. And now, in the present Session, the noble Lord had thrown out no intimation that the agricultural interest might expect anything at his hand if he were again in power. He well remembered that the right hon. Baronet, when he was bidding for power, indulged in language which induced in the landed interest a belief that if they supported him, and brought him in, the Conservatives would bring forward measures for their benefit, and that they might expect such a change for the better that capital would be employed extensively in agricultural purposes; but if he attended to the statements of the deputation that waited upon him the other day on the subject of agricultural distress, he must be pretty well convinced that the hopes so held out had not been realised. The right hon. Baronet admitted that he was much touched by the statements of the deputation; but he (Sir John Tyrrell) believed that that was the only effect they had produced on the right hon. Gentleman's mind, and that even the touch was a very light one indeed. But though the agriculturists were thought so little of now, he knew very well, that in a few months' time, or it might, perhaps, be a year or two, when a dissolution should again take place, the agricultural interests would reappear, and would be again heard of in the shape of advertisements and addresses to the various constituencies. The hon. Member for Somersetshire (Mr. Miles) had announced that ere long he would submit a Motion that would test the sincerity of the Government on behalf of the agricultural interest, and they would then see whether the expectations and hopes held out by various successive Governments were to be realised or not. Then the sincerity of the noble Lord, when he talked of the necessity of giving the landed interest a preponderance, and the declarations of the right hon. Baronet (Sir R. Peel), made over and over again in that House and on the hustings, would be tested; and it would

be seen whether, entertaining the views they did, that great interest was to be trifled with, and be deprived of all share in the taxation of the country. There was one subject upon which, if no other hon. Gentleman gave notice of a Motion, he would take an early opportunity of doing, viz., the propriety of extending the Income Tax and the Property Tax to Ireland; and he could show clearly that he had a right to look for the support of the right hon. the Chancellor of the Exchequer to that Motion. For though he gave much credit to the right hon. Baronet for the manner in which he had submitted his financial projects to the House, he could not but remember that it used to be an almost annual Motion of the hon. Member for Worcestershire (Mr. Robinson) that a Property Tax should be substituted for those taxes which pressed upon industry, and it was in consequence of the opposition of the Liberals that the proposition was not adopted. He would read another extract—and he thought the House would agree with him that his extracts were the most amusing portions of his speech—to show what was the opinion of the now Chancellor of the Exchequer. The right hon. Gentleman, when speaking of the question of a continuance of a Property Tax, in lieu of the taxes that pressed upon industry said,—

“The agitation of this question did not originate with those who are termed the rich Aristocracy of the country, but with an individual who avowed himself, and was acknowledged, as the advocate of popular rights.”

And again,—

“It was altogether an error to suppose that the Repeal of the Income Tax was the act of the Aristocracy. The hon. Member (Mr. Young) had not heard, as he had, year after year, month after month, and week after week, speeches from the other side against the Income Tax, the arguments used against it being that it threw impediments in the way of trade and commerce, and interfered unfairly with the labouring classes of the community. If the tax was so advantageous, as compared with other taxes, how came it to pass that it was selected as the best tax to be removed? And if the tax should be re-imposed, it should apply to all parts of the United Kingdom, Ireland as well as England.”

He gave the right hon. Gentleman full credit for the ingenuity with which he now suggested an Income Tax for a Property Tax. But if it were for anything more than a temporary purpose, it was

only proper to see whether it should not extend to Ireland. No Irish Member could say that any more equitable absentee tax could be devised than a Tax on Property and Income, though he knew what would be the answer which the right hon. and learned Member for Dungarvon would knock him down with. That answer would be, "There is no machinery in Ireland to collect such a tax." But although that might have been a good argument in 1816, it was not so now, when they had the whole machinery for levying rates under a Poor Law in that country, the effectiveness of which they had heard described in that House night after night. That difficulty, therefore, might easily be got over. He thought if the Property and Income Tax were to be paid by the agricultural interest—notwithstanding their depressed state—it might be worthy the consideration of the right hon. Baronet (Sir Robert Peel), and of the noble Lord (Lord John Russell), whether there might not be a more equal distribution of the burden, and whether such men as Lord Hertford and others should be allowed to spend 20,000*l.* or 30,000*l.* a-year in Paris, extracted from Ireland. It might be worth consideration whether that would not be a reasonable proposition to submit to the House.

The Marquess of Granby said, that he thought the right hon. Baronet had misunderstood the feelings of the agriculturists, and that their complaint was, not only that no direct relief had been offered to them, but that the right hon. Baronet had not traced the effects his measures would have upon the agricultural interest in the same manner as he had traced their effects upon the manufacturing and commercial classes. The agricultural distress was admitted on all hands; but he asked, what would the manufacturers have said, if, three years ago, when the manufacturing districts were in great distress, the Government had said to them,—“It is perfectly true that you are in distress, but that distress is not owing to our legislative measures—it arises from the disturbance of affairs in America, and therefore we cannot relieve you by legislation; but we propose to take the duty off malt, and though that remission of taxation will be no direct benefit to you, yet you will be benefited indirectly by such a course.” The manufacturers would have had a right to complain of such usage. That was now the position of the agriculturists. He cer-

tainly did hope, that if the present agricultural distress was proved to be owing, not to temporary causes—not to defective hay or other crops,—but that if it continued, and was thus shown to proceed from deeper and more serious causes, the right hon. Baronet then, being convinced that it proceeded from legislative measures, would by legislative measures endeavour to relieve the distress.

Mr. Collett could not support the Amendment. The Property Tax was to be regarded only as a part of the system now proposed, of which a great financial improvement was held out as the result. No doubt, abstractedly, the Property Tax was a war tax, and could not be justified in time of peace, except by unusual circumstances. He considered those circumstances at present to exist, and thought this made out by the statement of the right hon. Baronet opposite. The general tendency of the existing legislative system had long been to make the poor man poorer, and the rich man richer; but the measure now proposed by the right hon. Baronet had the opposite tendency of increasing the comforts of the poor man, placing the burden of taxation on those who were in comparatively easy circumstances. The scheme would, he believed, tend to the benefit of the manufacturing interest, and the general comfort of the poor of the country.

Mr. Roebuck only wanted to say a word. Every person who had spoken on that side of the House condemned the Property Tax or Income Tax, with the exception of the hon. Member for Kendal (Mr. Warburton), who, he thought, had condemned the proposal to continue it for only three years. Almost every person, except the hon. Member for Kendal, had discounted the notion that it should be permanent; and, at the same time, every person had declared an expectation that it would be permanent. Therefore every one had declared their condemnation of the Income Tax, and then they had come to the conclusion that they ought to vote for it.

Mr. C. Buller had been quite aware, before the hon. Member for Bath got up, of the extraordinary predicament in which Members on that side had placed themselves, by the tone of the language they had held on the subject of this tax. It seemed to him that the universal opinion on that side of the House, with the one singular exception of the hon. Member for Kendal, who thought they would get rid

of every injustice by rendering it perpetual—with that singular exception, the universal opinion of everybody on that side was that the Income Tax would be unbearable, if regarded as a permanent tax. Nothing on earth would induce him, if a division were taken on the subject, to give his vote for a continuance of the tax. He granted that it might be a tax to be submitted to on temporary emergencies—the noble Lord, the Member for Sunderland, had fully spoken his sentiments on that subject. But after the debate of that night, it would be an insult to the understanding of everybody out of the House, for anybody in the House to go and tell them that this tax was to be regarded as anything but a permanent tax. They were not to be misled by the fine words and fair sounding assurances of the right hon. Gentlemen who filled the offices of First Lord of the Treasury and Chancellor of the Exchequer; it was not a matter on which their assurances were to be taken or would go for much. For himself, he thought it only justice to say that he doubted if he had ever heard the temporary nature of the tax more clearly explained than he had heard it from them, though every time the right hon. Baronet spoke he seemed to prolong the time—three years, four years, five years, and then as long as the House would permit. He asked the House not to attend to those assurances, but to the one simple fact that the Budget of the right hon. Baronet was such that at the end of three or of five years, it would be absurd to calculate on the removal of the Income Tax. The right hon. Gentleman the Chancellor of the Exchequer, in the speech he addressed to the House that night, taking an extravagant flight of openness, had renounced all his old favourite doctrines on taxation; for until very lately he had never heard any body scout the idea of taking off taxes in order to increase taxes, so much as the right hon. Gentleman had been in the habit of doing. But to-night the right hon. Gentleman had plunged headforemost into the other view, and dwelt upon the consideration that we should have a most glorious revenue, if there were no taxes remaining at all. But the House was not to be thus misled. With regard to the increase of the Revenue, for which the right hon. Gentleman had taken as much credit as if it had been owing to any measure of his own, everybody else was aware of the real source of the improvement.

Two good harvests, accompanied with an increase of trade, had led to prosperity. Nobody could doubt that that was the true cause. He asked the Chancellor of the Exchequer to get up in his place, and assure them of two good harvests for the next two years, with an increase of trade, and permanence of prosperity. When the right hon. Gentleman had done that, he should say that he had made out a case for taking off the tax at the end of three years. He called on the House and the country not to submit to any such delusion, above all to any such insulting and palpable delusion as to vote the tax with the idea of getting rid of it at the end of three years. They were now asked to grant a permanent Income Tax; let them vote against it; or if they would not vote against it absolutely, let them vote for any modification of it that would make it just and bearable, and then they would have the consolation of knowing that they had discharged their duty to their country, by endeavouring to remove its most oppressive and iniquitous features. He thought they should not be called upon to-night to express an opinion upon the policy of the Income Tax. However that might be, he begged it to be distinctly understood, that he should not consider himself precluded on any future occasion from opposing a tax he now saw would be permanent. With respect to the Motion of the hon. and learned Member for Bath, it had its defects; but as it was a nearer approach to justice than the Resolution of the right hon. Baronet, he (Mr. C. Buller) would vote for it.

The Committee divided on the question that the words proposed to be left out stand part of the question:—Ayes 263; Noes 55: Majority 208.

List of the AYES.

Acland, Sir T. D.	Baring, T.
Acland, T. D.	Barneby, J.
Adderley, C. B.	Barrington, Visct.
Ainsworth, P.	Baskerville, T. B. M.
Aldam, W.	Bateson, T.
Alexander, N.	Bentinck, Lord G.
Alford, Visct.	Beresford, Major
Allix, J. P.	Bernard, Visct.
Antrobus, E.	Blake, M. J.
Arkwright, G.	Blandford, Marq. of
Arundel and Surrey,	Bodkin, W. H.
Earl of	Boldero, H. G.
Ashley, Lord	Borthwick, P.
Bagot, hon. W.	Bowles, Adm.
Baillie, Col.	Boyd, J.
Baillie, H. J.	Bramston, T. W.
Baring, hon. W. B.	Broadley, H.

Browne, hon. W.	Gordon, hon. Capt.	March, Earl of	Ryder, hon. G. D.
Bruce, Lord E.	Gore, M.	Marshall, W.	Sanderson, R.
Bruce, C. L. C.	Gore, hon. R.	Marsham, Visct.	Sandon, Visct.
Bruges, W. H. L.	Goring, Charles	Martin, C. W.	Shaw, rt. hn. F.
Buckley, E.	Goulburn, rt. hon. H.	Marton, G.	Sheppard, T.
Buller, Sir J. Y.	Graham, rt. hn. Sir J.	Masterman, J.	Smith, A.
Bunbury, T.	Granby, Marq. of	Maunsell, T. P.	Smith, rt. hn. R. V.
Busfield, W.	Gregory, W. H.	Maxwell, hon. J. P.	Smith, rt. hn. T. B. C.
Campbell, J. H.	Grey, rt. hon. Sir G.	Miles, P. W. S.	Smythe, Sir H.
Cardwell, E.	Grimston, Visct.	Miles, W.	Smythe, hon. G.
Carew, hon. R. S.	Grogan, E.	Milnes, R. M.	Somerset, Lord G.
Carnegie, hon. Capt.	Hale, R. B.	Mitcalfe, H.	Somerton, Visct.
Castlereagh, Visct.	Halford, Sir H.	Morgan, O.	Somes, J.
Cavendish, hn. G. H.	Hamilton, G. A.	Mundy, E. M.	Stanley, E.
Charteris, hon. F.	Hamilton, W. J.	Neeld, J.	Stanton, W. H.
Childers, J. W.	Hamilton, Lord C.	Newdegate, C. N.	Stewart, J.
Cholmondeley, hn. H.	Hanmer, Sir J.	Nicholl, right. hon. J.	Stuart, H.
Chute, W. L. W.	Harcourt, G. G.	Norreys, Lord	Strutt, E.
Clerk, rt. hn. Sir G.	Hayes, Sir E.	Northland, Visct.	Sutton, hon. H. M.
Clifton, J. T.	Heneage, G. H. W.	O'Brien, A. S.	Taylor, E.
Clive, hon. R. H.	Henley, J. W.	Ossulston, Lord	Tennent, J. E.
Cockburn, rt. hn. Sir G.	Hepburn, Sir T. B.	Owen, Sir J.	Thesiger, Sir F.
Colborne, hon. W. N.	Herbert, hon. S.	Packe, C. W.	Thornhill, G.
Colebrooke, Sir T. E.	Hervey, Lord A.	Pakington, J. S.	Tollemache, J.
Collett, W. R.	Hinde, J. H.	Palmer, R.	Trench, Sir F. W.
Collett, J.	Hindley, C.	Palmerston, Visct.	Trevor, hon. G. R.
Colquhoun, J. C.	Hobhouse, rt. hn. Sir J.	Parker, J.	Trollope, Sir J.
Compton, H. C.	Hodgson, F.	Patten, J. W.	Trotter, J.
Connolly, Col.	Hogg, J. W.	Peel, rt. hn. Sir R.	Tyrell, Sir J. T.
Copeland, Mr. Ald.	Holmes, hon. W. A' C.	Peel, J.	Vane, Lord H.
Corry, rt. hon. H.	Hope, hon. C.	Pennant, hon. Col.	Vernon, G. H.
Cowper, hon. W. F.	Hope, G. W.	Philips, G. R.	Villiers, Visct.
Crawford, W. S.	Howick, Visct.	Philips, M.	Waddington, H. S.
Cripps, W.	Hughes, W. B.	Plumptre, J. P.	Wallace, R.
Damer, hon. Col.	Hume, J.	Polhill, F.	Walsh, Sir J. B.
Darby, G.	Hussey, T.	Pollington, Visct.	Warburton, H.
Davies, D. A. S.	Inglis, Sir R. H.	Ponsonby, hn. C. F.	Ward, H. G.
Denison, J. E.	James, Sir W. C.	Praed, W. T.	Wellesley, Lord C.
Denison, E. B.	Jermyn, Earl	Pringle, A.	Wodehouse, E.
Dickinson, F. H.	Jocelyn, Visct.	Pulsford, R.	Wood, C.
Douglas, Sir H.	Johnstone, Sir J.	Reid, Sir J. R.	Wood, Col. T.
Douglas, J. D. S.	Johnstone, H.	Repton, G. W. J.	Wortley, hn. J. S.
Douro, Marq. of	Jolliffe, Sir W. G. H.	Richards, R.	Wortley, hon. J. S.
Drummond, H. H.	Jones, Capt.	Rolleston, Col.	Wyndham, Col. C.
Dugdale, W. S.	Kemble, H.	Round, J.	Wynn, Sir W. W.
Duke, Sir J.	Labouchere, rt. hn. H.	Rous, hon. Capt.	Yorke, hon. E. T.
Duncombe, hon. A.	Lambton, H.	Rushbrooke, Col.	
Duncombe, hon. O.	Lawson, A.	Russell, Lord J.	
East, J. B.	Layard, Capt.	Russell, C.	TELLERS.
Eastnor, Visct.	Lefroy, A.	Russell, J. D. W.	Baring, H.
Eaton, R. J.	Legh, G. C.		Young, J.
Egerton, W. T.	Lennox, Lord A.		
Entwisle, W.	Leslie, C. P.		
Escott, B.	Leveson, Lord		
Esmonde, Sir T.	Liddell, hon. H. T.		
Evans, W.	Lincoln, Earl of		
Farnham, E. B.	Lockhart, W.		
Fellowes, E.	Lowther, Sir J. H.		
Ferrand, W. B.	Lowther, hon. Col.		
Fitzmaurice, hon. W.	Lyall, G.		
Flower, Sir J.	Lygon, hon. Gen.		
Forster, M.	McGeachy, F. A.		
Fox, S. L.	Mackenzie, W. F.		
Fremantle, rt. hn. Sir T.	Maclean, D.		
Fuller, A. E.	McNeill, D.		
Gladstone, Capt.	Manners, Lord C. S.		
Godson, R.	Manners, Lord J.		
		Barnard, G.	Dawson, hon. T. V.
		Berkeley, hon. C.	Drax, J. S. W. S. E.
		Blewitt, R. J.	Duncan, Visct.
		Bowring, Dr.	Duncan, G.
		Bright, J.	Duncombe, T.
		Brotherton, J.	Dundas, F.
		Buller, C.	Ebrington, Visct.
		Byng, rt. hon. G. S.	Ewart, W.
		Christie, W. D.	Granger, T. C.
		Cobden, R.	Hastie, A.
		Collins, W.	Hawes, B.
		Craig, W. G.	Hill, Lord M.
		Curteis, H. B.	Holland, R.
		Dalrymple, Capt.	Humphery, Ald.
		Dashwood, G. H.	Mangles, R. D.

List of the NOES.

Martin, J.	Russell, Lord E.
Maule, rt. hon. F.	Sheil, rt. hon. R. L.
Mitchell, T. A.	Stansfield, W. R. C.
Morris, D.	Tancred, H. W.
Morison, Gen.	Thornely, T.
Muntz, G. F.	Towneley, J.
Murphy, F. S.	Villiers, hon. C.
Paget, Lord A.	Wakley, T.
Pattison, J.	Walker, R.
Plumridge, Capt.	Wawn, J. T.
Rawdon, Col.	Williams, W.
Ricardo, J. L.	TELLERS.
Rice, E. R.	Roebuck, J. A.
Ross, D. R.	Milner Gibson, T.

Main Question again put,

Mr. *Roebuck* said: I mean to propose an Amendment, to extend this tax to Ireland. I am anxious to allow time to discuss that proposal, but if the Resolution is passed, I must divide now.

Sir *R. Peel*: If the hon. and learned Gentleman persevere, I must give way; but I wish to remind him that the same Resolution which imposes the Income Tax here imposes an additional Stamp Duty on Ireland. I shall, therefore, give the proposal of the hon. and learned Gentleman my most decided opposition.

Lord *J. Russell*: I quite agree with the proposal for adjourning this discussion to Wednesday. I wish, however, to ask the right hon. Baronet when the Resolution as to the Sugar Duties will be brought forward. No doubt the Government is anxious to press it; but a few days should, I think, be allowed for the consideration of the proposal of Government.

Amendment put, that the provision of the said Act as far as regards the tax on Property, be extended to Ireland.

The House resumed. Committee to sit again.

The House adjourned at half-past one.

HOUSE OF LORDS,

Tuesday, February 18, 1845.

MINUTES.] *BILLS, Public.*—1^a. Compensation to Families of Persons Killed by Accidents.

PETITIONS PRESENTED. By Lord Monteagle, from Inhabitants of the Island of Barbadoes, against any Alteration in the Sugar Duties.

HOUSE OF COMMONS,

Tuesday, February 18, 1845.

MINUTES.] *NEW WRITS.*—For County of Kent (Eastern Division), *v.* the Right Hon. Sir Edward Knatchbull, Bart., *acc.* Chiltern Hundreds.—For Thetford, *v.* the Hon. William Bingham Baring, Paymaster General.

NEW MEMBER SWORN.—For Lewes, the Hon. Henry Fitzroy.

PETITIONS PRESENTED. By Mr. Hutt, from Shipowners and others, of Whitby, for Reducing the Duty, Tolls,

and Dues on Lighthouses.—By Mr. Chute, from Landowners and others, of County of Sussex, and by Mr. Wodehouse, from County of Norfolk, for Repeal of the Malt Duty.—By Lord Rendlesham, from East Suffolk Agricultural Protective Society, complaining of Agricultural Distress.—By Dr. Bowring, from Operative Bleachers of Glasgow, and by Mr. Brotherton, from Cathcart and Eastwood, for extending Provisions of Factory Act to Bleaching Works (Scotland).—By Mr. Owen Stanley, from two Parishes in the County of Anglesey, in favour of the County Courts Bill (1844).—By Mr. Bright, from Inhabitants of Aylesbury, for Repeal of Game Laws.—By Mr. P. Miles, from Master Tailors of Bristol, for Alteration of the Insolvent Debtors Act.—By Mr. Eliot Yorke, from Merchants and others, of Wisbeach, against the Insolvent Debtors Act, and in favour of the County Courts Bill (1844).—By Mr. Beckett, from Members of the Medical Profession of Leeds, Mr. O. Duncombe, from York, Sir G. Grey, from Devonport and Stonehouse, Viscount Marsham, from Isle of Sheppey, Mr. P. Miles, from Bristol, Mr. W. Patten, from Blackburn, Mr. Wodehouse, from Norwich, Mr. Stuart Wortley, from Halifax, Mr. Eliot Yorke, from Wisbeach, and from Members of the Council of the Medical Association of Ireland, against the Medical Practice Bill (1844).—By Mr. Brotherton, from Members of Manchester and Salford Peace Society, and by Mr. Hawes, from Peckham and Camberwell, against Increase to Naval and Military Establishments.—By Colonel Paget, from Amlwch, county of Anglesey, for diminishing the number of Public Houses.—By Sir W. Clay, from George Smith, and James Scott Smith, Distillers, of Whitechapel, for Inquiry.

EMPLOYMENT OF CHILDREN IN CALICO

PRINT WORKS.] Lord *Ashley* rose to bring forward the Motion of which he had given notice, and addressed the House to this effect:—Sir, The subject which I feel bound to bring under the consideration of the House is so much akin to others which I have had the honour to bring forward, that I fear I cannot promise anything in the way of novelty in the evidence I have to adduce, or in the arguments derived from it; but, nevertheless, I do hope that the House will extend to me its patient indulgence while I bring before it the case of a large class of our fellow-subjects who have never yet been represented here. I am about to speak in behalf of a large body who have been much oppressed, and I may say, have been altogether forgotten—but whose interests are of great value to themselves, and, if taken in connexion with their cotemporary labourers, are calculated to have a powerful influence on the destinies of the Empire. It will be recollected that in the year 1840 I had the honour to move in this House for a Commission to inquire into the employment of children in the various departments of labour. That Commission made a very voluminous Report; and in a Summary of that Report, from which I shall read a few extracts, they stated what was the condition of many thousands, I may say hundreds of thousands, of children. I do not here mean those employed in the factories, but those em-

ployed in the various trades and branches of labour in the realm, and who are compelled to commence labour at very tender years. There are instances of their beginning to work at the early age of three and four years; not unfrequently five and six, and in many instances regular employment began from seven to eight, and in most instances between eight and nine. With respect to the employment of girls, the Report stated, that—

“A large proportion of the children and young persons employed in this branch of trade are girls, the proportion in Lancashire being upwards of one-third of the whole number under thirteen.”

It further appears from the Report, that the young girls worked as long each day as the adults, which sometimes extended to 16, 17, and even 18 hours consecutively. Schools were wholly out of the reach of these poor children, in consequence of the early age at which they were set to work; and the result is, that the greatest demoralization exists in those districts. This was the summary presented by the Commissioners, and deduced from a close survey of large numbers employed in various trades in the realm. Of all these cruel and pernicious employments—pernicious, I mean, in the extent to which they are carried on—only one has been brought under the consideration of the House. I had the honour of proposing to the House the removal of females from employment in collieries; but of all the trades and manufactures that have been inquired into, that is the only one with respect to which any measure of relief has been afforded, or any motion made. In all other respects nothing has been done, or, rather, every thing has been left undone; not one hour has been struck off from their term of labour,—not an hour added to their instruction. They have not had even the advantage of public opinion being awakened in their favour; that public opinion, which has such powerful influence when brought to bear on other cases, has been of no advantage to those on whose behalf I have ventured to come forward. I own I do not wonder at this, when I consider the enormous labour it would require to wade through those ponderous folios of the evidence collected by the Commissioners, to arrive at all the information they contain, and to drag to light those records of suffering, ignorance, and shame. But it may be said that I myself am chargeable with this neglect; for that it was my duty, being

more cognizant of the evil, to endeavour to find a remedy. Undoubtedly, it was more my duty than that of any other; but my excuse is, that I have not had the opportunity; and it will not be denied that I have not had any great encouragement. I am, however, now prepared to take up the subject; and I do trust that, in consideration of the urgency of the case, and also of the moderation of what I am about to propose, the House may be induced to give me part, if not the whole, of what I ask on behalf of these young persons. I hope it will be borne in mind, that throughout the whole of the discussion on this question, I limit my demand entirely to children under the age of thirteen, which are children according to the definition of the Factory Act. A vast number of these children are females, and therefore entitled to the special protection of this House. I do not consider that in the exclusion of those of more advanced age from the operation of the measure which I shall propose, justice and humanity will be satisfied; but the demand which I now make is more in accordance with what I hope to obtain than with what I think to be just. Calico printing, to which I now beg to call the attention of the House, is thus described in the Commissioners' Report:—

“Calico printing, with its subsidiary processes of bleaching and dyeing, is carried on to the greatest extent in the cotton districts of Lancashire, Cheshire, Derbyshire, and the west of Scotland. There are also a few printworks near London, and several near Dublin.”

With respect to the age of the children employed, the Report said,—

“In Lancashire, Cheshire, and Derbyshire, instances occur in which children begin work in this employment at as early as between four and five, and several between five and six inclusive, many begin between six and seven, still more between seven and eight, and the great majority between eight and nine. Out of 565 children taken indiscriminately from returns obtained from each section of this district, it appears that one child began work between four and five; three between five and six; sixty-eight between six and seven; 133 between seven and eight; 156 between eight and nine; 127 between nine and ten; forty-nine between ten and eleven; twenty-six between eleven and twelve; and two between twelve and thirteen. In the east of Scotland children commence work at the same early ages; the Rev. John Dempster, Minister of Denny, states that infants may be seen at work as early as five years of age, having got

at school little more than a knowledge of the alphabet, and that they go to continuous employments at all ages, from seven upwards. The Rev. J. A. Bonner states, 'our common schools now often look like infant schools, from the paucity of older children.' But the printfields in Kent afford, in regard to infant labour, a remarkable exception to all others in the United Kingdom. In the works of Mr. Swaisland there were found only two girls and five boys, and in Mr. Applegarth's only six boys, under thirteen years of age. There are instances in Ireland of children beginning work at six; but says the Sub-Commissioner, out of 833 persons visited, only 109 were under thirteen years of age."

In Ireland the system presents, as I have shown, a remarkable contrast to the state of things in England, displaying, as it does, a remarkable care for children of tender years. Now a word as to the numbers employed. From returns obtained from printworks in Lancashire, Cheshire, and Derbyshire, the children under eighteen years amount to 5,646.

"But," (says the Report) "it must be borne in mind that these Returns give only the number of children employed at the time the Return was made, and it has often happened that at the time half the tables at the work have been standing still."

But, we can arrive at it by calculation: there are block tables in these establishments, each requiring one child, 8,156; long tables, each requiring two, 168; total, therefore, if the tables are in full work, 8,492. It is estimated that in the printfields in the whole of Scotland, there are teerers amounting to 5,000.

"But this estimate," (says the Commissioner) "by no means includes the total number; . . . there are several other departments in which, though they commence somewhat later than as teerers, many children are employed. The works at West Ham, in Essex, are on the largest scale, and those at Carshalton, in Surrey, are considerable."

Total number, therefore, as stated in the Report, amounts to 13,492. But this is confessedly much under the truth; and when we add the number employed in bleachfields and calendering departments, sometimes detached from printing-works, we cannot put the whole numbers at less than 25,000. And I have reason to believe, from inquiry that I have made, that this amount is under the reality. I now beg to call the attention of the House to what must have an important effect on the moral and physical condition of those employed—I mean the state of the places in

which this work is carried on. On this point the Commissioners state—

"There is perhaps no description of manufacture in which the convenience and comfort of the places in which the various operations are carried on differ so materially in different establishments, and even in different departments of the same establishments, as in calico printing. . . . With the view of lessening, as far as practicable, the noxiousness of these operations, some proprietors spare neither trouble nor expense to secure proper ventilation, temperature, and drainage; but in great numbers of cases these conditions of the place of work are deplorably neglected. Here are specimens. The hooking and lashing-out rooms, and the singeing-rooms, are very disagreeable places, the air of which is filled with dust, and in the latter with small burnt particles, which irritate the eyes and nostrils exceedingly. 'On going into this room with a friend,' (says the Sub-Commissioner,) 'we were both instantly affected, our eyes began to smart, and we felt a ticklish sensation in the throat and nostrils, much the same as that produced by taking snuff. I noticed that all the children who were employed in this room were more or less affected with inflammation and copious discharge from the eyes. The temperature of the workshops usually varies from sixty-five to eighty degrees . . . the stoves are often overheated, and I have occasionally seen them red hot. The temperature to which the stenters are exposed is very high, from eighty-five to 100 degrees. I have found them between eleven and twelve years old working fourteen hours. The temperature at which,' says the Commissioner, 'I usually found these stoves, when the girls were filling them, was 110 degrees, or fever heat, and the steam rising from the wet goods as they are hung up is still more suffocating and oppressive than dry heat would be.'"

I will read some of the evidence on this point:—

"Robert Crawford, blockmaker, states, that in the kiln, where the block runs through on rollers to dry the colours, no one can work above three or at most five minutes. Mary Moody and Mary Maxwell, stove-girls, state, that the girls often faint from exhaustion caused by the heat. John Rodger, machine-printer, states, that the girls who attend on the dash-wheel have to stand with the feet and petticoats always wet, and that this in severe weather causes great hardship. Mr. David Young, surgeon, of Bridgetown, says, that from his experience as a medical man he knows that at certain periodical seasons the dash-wheel produces very injurious effects on women. But of Mr. Swaisland's works in Kent, there is a different report: the whole of the premises, particularly the room where the teerers work, are clean, spacious, lofty, and well-ventilated, heated in winter by warm-

water pipes, and thoroughly drained. The same is said of the works of Mr. Applegarth, and at West Ham, in Essex."

Showing, therefore, that health and cleanliness may be consulted by care and attention, and without any formidable loss of profit. Now, Sir, to give a complete picture of the case I have to present to the House, I must likewise show them what is the nature of the employment in which these children are engaged. It is quite true that the labour is not in itself heavy; it is the continuity of it during so many hours that produces a debilitating effect on both body and mind. Sir, I now quote from the Report of the Commissioners:—

"The work of the teerers does not require much muscular exertion, while it admits of some variety, as they occasionally bring the colour from the colour shop, and it is also their duty to wash the blocks and cleanse the sieves; but, on the other hand, their exertion of attention must be almost unremitting;—they must keep their arms in a continual rotatory motion, and during the whole time they are at work they must be upon their feet."

And what are the hours of work?

"The regular hours of work in the different departments of the printfield are rarely less than twelve—including the time allowed for meals,—but it is by no means uncommon in all the districts for children of from five to six years old to be kept at work for fourteen, and even sixteen hours, consecutively.

"In those of Lancashire, Cheshire, and Derbyshire, the nominal—not the actual, be it observed,—hours of work are twelve, including meal hours; but there can scarcely be said to be any regular hours, for all the block printers are in the habit of working over time, and as they are paid, and are independent of machinery, they are at liberty to work what hours they please."

Now, what is the testimony on this subject of the persons employed in these works? I am perfectly aware, that in bringing forward evidence of this kind, I am trespassing on the patience of the House. But I would rather lay before you a true picture of facts, than indulge in any general rhetorical display, that might, after all, leave you ignorant of the exact truth. Thomas Sidbread, block printer, says,—

"I began to work between eight and nine o'clock on Wednesday night, but the boy had been sweeping the shop from Wednesday morning. You will scarcely believe it,—but it is true,—I never left the shop till six o'clock on the Saturday morning, and I had never stopped working all that time;—I was knocked up, and the boy was almost insensible.

"There were men there, and children too, who came on a Monday morning, and stayed till Saturday night."

Henry Richardson states,—

"At four o'clock I began to work, and worked all that day, all the next night, and until ten o'clock the following day. I had only one teerer during that time, and I dare say he would be about twelve years old. . . . I have known children made ill by working too long hours; the boy that worked for me at the Adelphi was sometimes unable to come to his work from being sick with overworking."

In the west of Scotland

"The regular hours for work are from six to six, with two intervals for meals, sometimes of one hour each, leaving about ten working hours."

But, says the Sub-Commissioner,

"I have been hitherto describing the regular hours, but these, I am sorry to say are but too frequently prolonged by over hours. . . . Two or three hours of over work a day is, however, not uncommon, making on the whole fourteen or fifteen hours, including meals."

The Sub-Commissioner adds,

"Instances were found of girls working at the steam cans for thirty-eight hours in succession. Now, in some establishments these long hours are not allowed—Mr. T. Greig, of the firm of Watson, Jackson, and Greig, stated to the Sub-Commissioner, that in three years the utmost number of hours actually worked by any one was thirteen per day, and the utmost for the children was ten a day, the average not being above than nine and a half."

Proving, most undoubtedly, that the protracted hours I have referred to are not necessary. It is undoubtedly true that this labour is not continued throughout the whole year—the trade has its flushes and its pauses, such is the technical expression to denote periods of great demand and cessation from labour. But this excess on either side is highly injurious, extreme toil or absolute idleness, the one cannot be considered as a healthy compensation for the other. It must, moreover, be borne in mind, that the printworks are always most busy during the winter, in preparations for a spring trade, at the time of the year when toil and exposure are the least endurable. Of all the features of this employment, that I am now about to describe is the most abominable—I speak of the practice of night work. The Commissioner says:—

"The occasional practice of night work in print grounds in all the districts is universal, while in many it is so general and constant

that it may be regarded as a part of the regular system of carrying on this branch of the trade. In Lancashire, Cheshire, and Derbyshire, night work is stated to be so common that those establishments in which it does not exist are exceptions to the general practice. In working in the night, relays of printers and children are almost invariably used; the contrary is rarely the case except where there is a difficulty in procuring children."

"Relays are sometimes from six to six, or twelve o'clock in the day to twelve o'clock at night (called twelving), or from four in the morning till twelve, and from twelve till nine at night."

Now, just hear what are the depositions of the young persons themselves as to the period they work, and of the effects produced on them. The first I shall mention is Margaret Isherwood, eight years old. She says,

"Before she was six years and a half old, she worked all night three or four nights a week."

Henry Hughes, nearly nine, teerer, says,

"I have worked all night many a time. I have worked all day and all night too, without stopping, except for meals."

Julia Cunliffe, aged ten, says—

"I came on Friday morning at seven o'clock, worked all day and all night until Saturday morning at six o'clock. . . . I took snuff to keep myself awake."

Ellen Radcliffe, aged ten, says,—

"I was once a teerer, but I could not stand the work. I once worked three nights teering blue colour, but it made me sick and giddy in my head."

Margaret Morris, going ten, says,—

"Many times I worked all day and all night too. Sometimes I have gone at eight o'clock in the morning, worked all day and all night until eight o'clock the next morning."

"Robert Kellatt, block printer, has seen a child named Hellin, seven years old, work from six o'clock in the morning until eleven o'clock at night for a week together on an average; he teered for his father, who worked him quite beyond his strength."

"I have known a man," (says William Archer, a foreman) "work three days and three nights, without ever going home, and he had the same teerer all the time."

In the west of Scotland night work appears to be very common occasionally in almost all establishments. In the east of Scotland the evidence shows that night work is not uncommon; but in Ireland, which again appears to the greatest advantage, it is said,—

"In general there is no night work in the printfields of Ireland. . . . There are exceptions to this, though rare."

With respect to treatment, the Commissioners states that the

"Tendency of the improvements progressively made in the processes of calico printing has been to diminish the labour of the children, and to lessen their danger of injuring their work; at the same time there has been a growing disapprobation on the part of the workpeople of any oppressive treatment of the children . . . Severe punishment, which was formerly common, is now scarcely known."

But here comes the fearful and important consideration for the Parliament and the country—the physical suffering is bad enough, but the moral degradation is worse. The Commissioners state, and this is their general report, that

"The evidence collected in the Lancashire district tends to show that the children employed in this occupation are excluded from the opportunities of education; that this necessarily contributes to the growth of an ignorant and vicious population; that the facility of obtaining early employment for children in printfields, empties the day schools; that parents without hesitation sacrifice the future welfare of their children through life for the immediate advantage or gratification obtained by the additional pittance derived from the child's earnings."

This is not my language; it is the language of the Report. But this is not all. The evil is a growing one. The state of things is becoming worse. Mr. Emery, master of the school at Disley says,—

"When I first came into this district, which is now many years since, my scholars stayed much longer with me; and I had then a chance of making something of them. On looking at the number of scholars, it appeared that they had diminished one-half since 1832, notwithstanding the remarkable increase of population in this district within the last ten years."

Mr. Emery attributes the falling-off of the school—

"To the facility of getting employment at high wages for very young children, and to the indifference of the parents about the education of their children. . . . The block printers," (he adds) "can make from 20s. to 30s. a week, and of course they might afford, at 2d. a week each, to send their children to school."

The Commissioner for Scotland says,—

"But of the means of instruction that are provided, the children of the manufacturing population generally, and those

employed in the printfields in particular, cannot avail themselves on account of the early age at which children are removed from school, and the long hours during which their labour is continued."

"Of many of the children in the print grounds of Lancashire, and especially of those who have been the least educated, it is stated that they appear to have no sense of moral obligation; they are generally not trustworthy, and are given to pilfering, lying, and fighting Of the same class in Scotland, it is stated that the ease with which parents are enabled to rid themselves of the burden of their children's support weakens all parental and domestic ties, saps the foundation of morality, and stops all progress in the mental and moral culture of the children."

Is it then surprising that the Central Board should have reported they are speaking generally on subjects of which my present case is a specimen?—

"That the girls are prevented, by their early removal from home and the day-schools to be employed in labour, from learning needlework, and from acquiring those habits of cleanliness, neatness, and order, without which they cannot, when they grow up to womanhood, economise their husbands' earnings, or give to their homes any degree of comfort; and this general want of the qualifications of a housewife in the women of this class is stated by clergymen, teachers, medical men, employers, and other witnesses, to be one great and universally prevailing cause of distress and crime among the working classes?"

I shall not weary the House with any further evidence as to the moral condition of those engaged in the printworks. But I will ask if this be a state of things which should be allowed to continue? Any effort we may make, may in the outset be imperfect on account of the difficulties that stand in the way of all legislation on such a subject; but at any rate we may strike at the main evil, and apply the law as far as we can. In the first instance I shall propose the total abolition of night work for all females of whatsoever ages, and all of both sexes under thirteen, to commence in October next. I am quite sure that in this I am not proposing anything that can be in the least injurious to the interests either of the workmen or their masters. If the House will allow me I will state on what evidence I found that opinion. Morally and physically nothing can be more injurious than this night work. W. Archer, a foreman, was asked,—

"Did night work affect your health?"

And the answer was,—

"Yes, it is the worst part of our trade. I

always felt very unwell in the morning, almost the same as if I had been drunk over night."

"What is your opinion of night work?"—"It is my opinion that night work is the greatest injury both to the children and printers; night work ought to be stopped."

John Williams, operative, says,—

"The working by gas injures the eyes. . . . More affected at morning after working by night, than in the night after working by daylight."

Daniel Hawthorn, gas engineer, say,—

"Children always look pale and sickly when they have been working night and day."

A deputation of calico printers, says,—

"Night work is doubly distressing on this account, where a great quantity of gas is burning in a room badly ventilated, the air is hurtful to breathe, and bad for the constitution. Children of delicate constitutions are obliged, in a long succession of night work, to desist from coming to the shop, otherwise they die off."

"When children first come to work, from being robust they will become pallid and weak."

"Almost all classes of witnesses in all the districts concur in stating that the effect of night work is most injurious, physically and morally on the workpeople in general, and on the children in particular."

The Rev. J. Harbottle, Baptist minister, says,—

"I consider the unseasonable hours during which young persons are oftentimes employed as unfitting them for any improvement in mind, as well as exceedingly injurious to health."

"One general effect is, that when any meeting takes place of an evening for moral and religious purposes, the workpeople seem quite overcome with the effect of having been at work so many hours—young persons especially."

Nor is night work necessary or advantageous to the trade. The Report says,—

"No countervailing advantage is ultimately obtained from it even by the employers."

Again,—

"In working in the night it is generally considered that more work is spoiled than in the day; and an abatement is made for bad work."

Mr. Robert Hargreaves, of Accrington, one of the highest authorities in the kingdom, says,—

"I do not like the principle of night work; there is danger of fire, and a necessity for a double set of superintendents. The work done is much worse."

The Sub-Commissioner for the West of England reports that,—

“The great majority of printers would not object to a prohibition of night work for children and young persons.”

Mr. Gilbert Jones, manager of Cogan print works,—

“Is very strongly of opinion that over hours are injurious both to workmen and employers.”

He

“Considers that a law reducing and regulating hours of work in printfields, would put all on a footing, and so would soon produce no inconvenience.”

Mr. Kennedy, the Sub-Commissioner for Lancashire, Cheshire, and Derbyshire, reported—and this is a most valuable statement,—

“I have been favoured by an influential house with an inspection of those books which show rates of production in their roller printing machines, during a period of four months, when they worked fifteen hours a day. . . . The proportion of spoiled work from the beginning of the first to the end of the fourth month, actually doubled itself; whilst the average production of the machines decreased from 100 to 90 per cent. In fact, the amount of spoiled work increased to such an alarming degree, that the parties referred to felt themselves compelled to shorten the hours of labour to avoid loss; and as soon as the alteration was made, the amount of spoiled work sank to its former level.”

I am informed, he adds,

“The general experience of this branch of trade is, that under whatever circumstances night work is tried, the produce is distinguished by a larger share than ordinary of spoiled work.”

I am also enabled to read the following extracts from two most respectable and intelligent persons. Mr. John Graham, superintendent of works, at Mayfield, says,—

“So far as we are concerned at Mayfield, it would be advisable to give up night work for young women, young persons, and children, night work being understood as those hours between 10 p.m. and 6 a.m.”

Mr. David Cooper, of Primrose Works, Clithero, says,—

“I allude only to Messrs. Thompson's works. There may be other printers who may be unable to adopt such regulations.”

He says that Mr. Thompson for many years carried on night-work, but had been for years induced to give it up, partly from

feelings of humanity, and partly from motives of economy, because he found it injurious to his workpeople, and because the amount of spoiled work was so considerable. It is clear, therefore, that a law must be proposed to save these unfortunate children from the effects of such a system. I would next propose a reduction of the hours of labour with respect to those under a certain age—under the age of thirteen, for instance. I am bound to state, that those two gentlemen whom I last quoted, Mr. David Cooper and Mr. John Graham, do not recommend a reduction of the hours of labour. They confine their recommendation to the abolition of night work; but the evil of excessive labour on the part of these young persons is so manifest and extensive, that it must not be left without a check. I propose, therefore, that in October, 1846, allowing thereby nearly two years before the operation of the enactment, none under thirteen years of age shall be allowed to work more than eight hours a-day for six days in the week, or more than twelve hours a-day for three alternate days in the week. I shall propose also, in conformity with the provisions of the Factory Bill, that two hours a-day of schooling should be required with respect to those children who work eight hours a-day for six days in the week; and three hours of schooling, on alternate days, with respect to those who work twelve hours a-day for three days in the week. Should more labour be required, it may be obtained by relays, to which the trade is accustomed. I do not know whether it is necessary for me to notice the number of arguments which I may anticipate as likely to be urged against my proposed provision with respect to the education of the children. In the first instance, I may be told, that parents may be safely trusted to attend to the physical and moral welfare of their children. Now, in answer to this I may refer to the results of the investigations of the Commissioners, which prove the utter carelessness of the parents of those children in reference to their education, even when they have ample means for providing for that education. Mr. Kennedy says,—

“One of the chief points for observation is the carelessness of the parents as to the future welfare of their offspring, as shown by depriving them of the advantages of education. This they invariably do without reference to their ample means of supporting them.”

Commissioners were sent to examine all the various mining and manufacturing dis-

tricts; and one of them Mr. Fellows (Derbyshire) states,—

“The sole wish of parents examined by him to be to make all they could of their children at as early an age as possible, without regarding their future welfare.”

Mr. Austin (Lancashire) says,—

“Parents will not avail themselves of the many facilities afforded in that district for the education of their children; they will not send them to school.”

In Scotland, all classes of witnesses state that the difficulty is to get the parents to send their children to school; and as respects Wales, it is stated that the parents estimate even one penny a-week as more than education is worth. Perhaps I may be told that poverty is the cause of this indifference on the part of the parents; but attend to the statement made by that intelligent individual, Mr. Symons. He, on the contrary says,—

“That the evidence of all witnesses shows that when trade improves fewer children will remain in school, and that sensual gratifications are far oftener the obstruction to education than poverty.”

Mr. Fletcher says,—

“That the earnings of the population in the neighbourhood of Oldham in prosperous times are amply sufficient to enable parents to pay for their children's education, but they will take nothing but Sunday school instruction, because it does not interfere with work, and costs nothing.”

Mr. Grainger says,—

“Many of the parents are utterly indifferent to the moral and physical welfare of their offspring; and it would be a serious error to mistake this indifference for desperation arising from distress and misery.”

He adds,—

“That in the best of times, when, in Birmingham for example, many mechanics were earning from 2*l.* to 5*l.* or 6*l.* a-week, instead of making provision for the future, and promoting the welfare of their families, these large wages were but too often wasted in vice and extravagance.”

In this deplorable state the population is being brought up. It must, I think, be evident to every one, that unless parents themselves receive the benefit of education, they will be indifferent as to the education of their progeny, and yet we are bringing up a race of parents in an entirely demoralized condition, and who will be ignorant of the great advantages which

would accrue to their offspring from proper attention to their education; for we find the present generation of these children neglected as far as their physical and moral condition is concerned; and we find also that such a complication of evils has been suffered to accumulate, that even the powers of this House will scarcely be able to extricate the population from them. I have very great fears that not only in the delivery of individual speeches, but in the frequent reproduction of subjects of the same class, I shall become exceedingly tedious to the House. It may, therefore, be some compensation to know, that I suffer nearly as much as I inflict; the labour of research—the extent of correspondence, the trespass on the time of this House, cheered by little or no prospect of success—may be urged as an adequate proof that these endeavours have not been wantonly undertaken; but where the interests are so serious, much may and ought to be hazarded, and it is better to fail in the attempt than never to have aspired to such a measure. Sir, I am at a loss to conceive on what grounds an opposition will be made to my proposal: it cannot be said that I have selected one interest only as the object of attack—this is the third in the series that I have ventured to reform. I have, too, I hope, been careful—for such at least was my intention—in my language respecting the conduct and character of individual print masters: I have endeavoured to expose the pernicious system of their labour, but without imputing to them either the authorship or the encouragement of the mischiefs that afflict the present generation—the evil has, as it were, come down to them by inheritance. Now, in every debate on similar subjects it has been invariably conceded that protection should be extended to young children; their inexperience, their helplessness, the deep interest that the State was supposed to have in their moral and physical welfare, extorted this admission. There may have been some, though very few, who thought differently, and believed that they might safely be left to the affectionate solicitude of parents and guardians—these objections were overruled, and the Legislature has, in various enactments, asserted the principle for which I now contend—I ask no other; for this Bill, I must again observe, will affect young children only, those only of the age which the Government, in the Factory Bill of 1833, protected by a limitation of eight hours of daily labour, and regular attend-

ance at school; a measure of unequal and imperfect success, but productive, nevertheless, of much moral and physical benefit to thousands of the workers. Sir, in the various discussions on these kindred subjects, there has been a perpetual endeavour to drive us, who seek the aid of the law, from the points under debate, and taunt us with a narrow and one-sided humanity; I was told that there were far greater evils than those I had assailed, that I had left untouched much worse things. It was in vain to reply that no one could grapple with the whole at once. My opponents, on the first introduction of the Ten Hours' Bill, sent me to the collieries; when I invaded the collieries, I was referred to the printworks; from the printworks I know not to what I shall be sent, for can anything be worse? If I judge by what I have heard and read out of doors, I conclude that it will be to the Corn Laws; but let me appeal to the most zealous advocate for their abolition, and ask him what their repeal could do more for the benefit of the manufacturing classes than to perpetuate the present state of commercial prosperity? We have cheap provisions and abundant employment; but what, nevertheless, is the actual condition of these children? The repeal of the Corn Laws would leave these infants as it found them, neither worse nor better,—precisely in the condition in which they are in those countries where no Corn Laws prevail—in France or Belgium. Whatever it might do for others, it would do nothing for these; but I solemnly declare that, if I believed the removal of the impost would place these many thousands in a position of comfort—and keep them in it—I would, in spite of every difficulty, and in the face of every apprehension, vote at once for the entire abolition. Sir, it has been said to me more than once,—“Where will you stop?” I reply, without hesitation,—“Nowhere, so long as any portion of this mighty evil remains to be removed.” I confess that my desire and ambition are to bring all the labouring children of this empire within the reach and the opportunities of education—within the sphere (if they will profit by the offer) of happy and useful citizens. I am ready, so far as my services are of any value, to devote what little I have of energy, and all the remainder of my life, to the accomplishment of this end; the labour indeed would be great, and the anxieties very heavy, but I fear neither the one nor the other; I fear nothing but

defeat. I should cheerfully undertake it all, had I but the hope of your countenance and support. And who will deny that it is a matter well worthy of the time and deliberations of this august Assembly? Look to the increasing numbers of your people—look to the increasing facilities for mischief. I speak not of this class or that—manufacturing or agricultural—the principle is the same in both, though the danger may be less in the one than in the other—the march of intellect, as it is called, bearing with it both good and evil, while it multiplies the agents of mischief, leaves millions of the poorer sort only as fuel for the fire. Crime is increasing in amount, and deepening in character and intensity; the valuable Tables of Criminal Offenders prepared at the Home Office, attest the accuracy of this assertion. In 1843, “thirteen persons were hung for murder.” “Of these,” says the preface, “three were females for the murder of their husbands; two were males for the murder of their wives; one for the murder of his child; one of his father.” And in a summary deduced from these tables, written by Mr. Jelinger Symons, and published in a most able article of the *Law Magazine* for last December, it is stated,—

“Murders, and attempts to murder and maim, have increased 38 per cent. on the average of the last four years; rapes, 57 per cent.; other horrid offences, 53 per cent. Arsons, which exhibit malice in its worst shape, have increased by 28 per cent.; and if those of the present year were taken into account, the increase would be far greater.”

The public journals confirm to the full this horrid statement; scarcely a week elapses but that the newspapers detail some crime that, in novelty and atrociousness, exceeds the imagination of mankind. I will not dwell on many cases; of two only I will ask, whether the records of sin in England present any instances of similar wickedness:—one mother, a year ago, who poisoned her four children in succession, for the sake of their burial money; another, within these few days, who held her own daughter alive over the fire until the wretched infant was roasted to death? To what, Mr. Speaker, will all this grow, if no remedy be applied, or even attempted? If we will not, as a nation, undertake the mighty task, let us not, by a continuance of the present system, render it impossible to private enterprise. Within the last few years, the means of education, though still inadequate, have been greatly diffused;

schools are multiplied, and zealous and qualified persons, within and without the Established Church, are ready to devote their energies to this service; but the entire absorption of the children by almost unceasing toil in so many departments of industry, defeats their efforts and breaks all their hopes. Does this state of things afford us any security? Far from it. Time was, when men believed, or rather maintained, that utter ignorance and excessive labour were the best guarantees for the tranquillity of the people—a sad delusion; for the most hardly worked and the most brutally ignorant can ever find time and intellect for mischief. Hundreds throng to the beer-shops and pot-houses to listen to seductive compositions in prose and verse, in which vice and violence are dignified into heroism; compositions written with fancy and power, and embellished with all the excellence of modern art. What a monstrous perversion of the noblest faculties, of talents bestowed to refine and elevate mankind! But their guilt is our guilt; we incur it by conniving at it—certainly by not repressing it.

“Oh gracious God! how far have we
 Profaned thy heavenly gift of Poesy;
 Made prostitute and profligate the Muse,
 Debased to each obscene and impious use,
 Whose harmony was first ordained above,
 For tongues of angels, and for hymns of love.”

Sir, I much fear that I shall appear dogmatic, if I again presume to impress upon this House the hollowness and danger of our actual position. We may obtain a surplus and reduce taxes, increase our fleets and extend our commerce—excellent things in their way, but all unavailing, if they rest not on the moral and physical prosperity of the great mass of our people: it may flourish for a while, and we may exchange congratulations; but an hour of difficulty will soon disclose that we have done nothing whatever to assure our external dignity or internal peace. But while there is life there is hope; we have little to fear but from indifference or delay: and facilities for mischief, now so rife, are, in the order of a merciful Providence, alike facilities for good. The march of intellect, the restless activity; the railroads and steam-boats, the stimulated energies of the mind and body, the very congregating of our people into masses and large towns, may be converted into influences of mighty benefit. Let the State but accomplish her frequent boast; let her show herself a faith-

ful and a pious parent; such efforts, be assured, will not be lost in the sight of God, and her children will speedily “rise up, and call her blessed.”

Sir J. Graham: It has fallen to my lot, on previous occasions, to oppose the noble Lord in discussions similar to the present; but, though I have been unfortunately opposed to him, I have always been ready to acknowledge the purity of his motives, the singleness of his purpose, the honesty with which he endeavours to obtain the great object he has in view, and also the touching eloquence with which he enforces his views. My noble Friend seemed to think it necessary for him to apologize for the want of novelty in the subject; but where the intention of the advocate of any particular question is fair, and his object is to aid, as he believes, in the moral and physical amelioration of his fellow-subjects, the want of novelty is no fault. Another reason why my noble Friend need not apologize for again introducing this subject to the House is the vast number of persons—no fewer than 25,000—connected with one of our staple manufactures—who are affected by the measure proposed. But my noble Friend has also coupled with the considerations which this fact suggests, others well worthy of our mature deliberation; he has referred to facts which I fear cannot be contradicted—facts of the most grave importance connected with the state of crime. My noble Friend urges us to consider both the moral and the physical condition of the working classes of this country. Doubtless, as regards the moral condition of the people, the considerations he urged were of the greatest importance; but I was glad to observe that my noble Friend did not overlook their physical condition. And when we consider the rapidly increasing population of the country, the increased supply of labour, and the competition consequent on it, as well as the consequences of that increase and of that competition on the physical condition of the people,—I am not, at the same time, undervaluing the importance of their moral condition, and of education in connexion with it,—I say when we look at these things, it behoves us, and especially the Government, to be extremely cautious how we deal with any subject materially affecting the physical condition of a large portion of the community, and naturally and intimately connected with their means of employment. My noble Friend has made many admissions on the subject which ap-

pear to me to be very important. In the first place, he said that a large number of masters had given up night work; that the labour in which children are employed is not of a heavy kind; and that the condition of the children has of late years been much improved. My noble Friend further admitted that children employed in some other branches of manufactures were in a worse condition than those employed in printfields and the other branches of manufactures referred to by him. But my noble Friend went further, and informed us in the most frank manner, that it is his intention not to stop with the particular branches of manufactures brought before us on this occasion, but that he will proceed to apply as opportunity offers similar principles to all the great branches of industry in this country, and will not stop until he has succeeded in bringing the hours of labour of all children, if not of young persons, under legislative regulation. Now, I am bound to say, that if we are to proceed at all in dealing with the labour of young persons engaged in this branch of manufactures, nothing can be more moderate than the propositions of my noble Friend; but at the same time, it is my duty to call the attention of the House to the step which my noble Friend asks us to take. There are several marked and striking distinctions between the labour with which he seeks to interfere, and factory labour properly so called, with which there has been hitherto an interference. In the first place, it cannot be denied that this particular kind of manufacture—the printworks, bleaching, and drying-grounds—is, generally speaking, a healthy mode of occupation. Certain parts of it must, it appears, be carried on under a high temperature; but those employments are of short duration, and, speaking generally, the children thus employed have access frequently to the open air, and it cannot, therefore, be called an unhealthy employment. These facts appear to me to point to some distinctions which require caution in treating this particular kind of labour as compared with what is usually called factory labour. Again, the factory labour with which we had to deal last year, was labour connected with machinery. Now, there is one particular feature in factory labour which bears materially on the question of interference; it is, that factory machinery can be regulated with respect to time. Factory labour can be stopped, and the machinery can be stopped, without injury to

the process. You may suspend or terminate it for a day by your regulations. All these peculiarities are wanting to the printing business. In that, when a piece is once begun, the process must be continuously carried on until it is completed, or the whole work runs the risk of being destroyed, or at all events inevitably and irrecoverably injured. Again, the nature of factory labour permits its continuance to be uninterrupted from week to week and month to month. But in printworks there are periods of temporary prosperity—three or four months, perhaps, of extraordinary demand, and for the rest of the time business is comparatively slack. While those periods of prosperity continue, the demand is intense, and the production must be continuous, and in proportion to that demand. If a new pattern be devised, fashion requires that it shall be immediately brought forward, or the market might be lost; and that the supply shall be equal to the demand. To interfere with this operation would be to destroy the profit of the manufacturer, for which continuous production at those periods is necessary. It appears also that the labour of children is indispensable in these works. Without a very large sacrifice of profits, it would not be possible to employ mixed labour of young persons and adults. My noble Friend has alluded to the class of children in the works who are technically called “teerers.” It appears that without children this part of the manufacture could not be carried on, and that adults and young persons are also necessary in the operation. Of course, the wages of children are less than those of the young persons and adults; and if by your legislation you compel the suspension of the labour of children, you run the risk not only of suspending the whole work, but also of compelling the employment of those who would require much higher wages, and so destroy the profits of this kind of work. Here, then, are many circumstances which distinguish this kind of labour from what is usually called factory labour. I will now advert to what I consider a peculiar and increasing difficulty. On the former occasion, when the subject of the regulation of this kind of labour was before the House, it was admitted by the noble Lord, that in France the regulations as to the labour of children and young persons were, in his opinion, as satisfactory as he could desire. So they are satisfactory, as far as they stand on the Statute Book; but in practice they are rendered

altogether nugatory and inoperative, for there are n inspectors to see that they are carried into effect. From the use of machinery, factory labour is necessarily concentrated—therefore easily inspected—therefore difficult of evasion—therefore rendering the operation of the law on the persons employed in the manufacture easy. Apply these observations to the class or kind of labour which it is now proposed shall be placed under regulation. There is either no machinery, or it is not worked by steam power; and it is of a comparatively rude and inartificial kind. Labour, too, is not concentrated, but dispersed. Supervision is therefore difficult, evasion therefore easy, and where evasion is easy, and competition great, evasion may be expected to take place. What would be the effect of that? Why, that the honest man who obeys the law will be placed under a cruel disadvantage, as compared with the dishonest man who endeavours to evade it. My noble Friend has also said, that night work is very frequent in this branch of manufactures, but that, in fact, it is not advantageous to the masters. Now, I must be permitted to question the latter part of the noble Lord's view. The persons who conduct business of this kind are so acute, so alive to their own interest, so capable of fully calculating the advantage to be derived from any particular mode of pursuing it, that I cannot help thinking, if they found any one unnecessary, they would not have recourse to it, more particularly if it were disadvantageous. The fact of their continuing night work rather seems to show, that the pressure of competition requires that there should be night work, even although the work done at night may not be so good as that done in the day. For this reason, I hope the House will pause before it accedes to all the propositions of the noble Lord. I am bound to say, that I feel great hesitation concerning the introduction of this Bill. I see the impossibility if we now advance on this line of stopping here. The noble Lord tells us he will not stop here, and that he purposes applying legislative interference to the whole working population of the country. I cannot view that alternative without a serious apprehension that a fatal effect will be produced on the trade and manufactures of the country. At the same time, however, I cannot withhold my consent to the introduction of the Bill; this I feel it my duty to state to the noble Lord in consequence

of the moderation with which he states his proposal; but, while consenting to its introduction, I must reserve to myself and to the Government the most perfect latitude and discretion as to the mode in which the proposition shall be dealt with. We shall give it the utmost attention, in the hope that it may be hereafter consistent with our duty to support it. At the same time, I cannot consent to the introduction of the Bill without also at the same time showing how difficult and how perilous its operation may be. Having discharged this duty, I have only to say that I give my consent to the introduction of the Bill.

Mr. *Wallace* was very glad the right hon. Baronet had consented to the introduction of the Bill. At the same time, the arguments used by the right hon. Baronet against it, would, he hoped, impress on the people of England the necessity of making out a good case before the Bill came on for discussion. Certainly the principle applied to all trades. At present he merely rose to say, that at the proper stage he should move to include the bleaching and dyeing trades in the provisions of the measure.

Mr. *Hume* expressed his satisfaction at the statement of the right hon. Baronet; but he regretted the right hon. Baronet had allowed the Bill to be introduced. He feared it was only raising hopes that could not be realised, and encouraging people to meddle in other people's affairs, with which they had nothing to do. He felt every admiration for the noble Lord's desire to improve the condition of the people; but advised him to turn his attention to the state of the agricultural labourers, who were worse off than all the rest. He regretted that the noble Lord had, on the former occasion, succeeded with his measure; for all interference for the regulation of labour was mischievous to those whom it was intended to benefit. If the people were compelled to labour, if they were the servants of taskmasters, who could order them to work at any time, in season or out of season, the case would be different. But the English artisan might work for whom-ever he pleased, and on whatever agreement he liked as to the hours of his labour. He was at liberty to come away when he pleased. The same was the case with the children. He admitted, that individual acts of cruelty might take place, but, looking to the whole people, he depended much on the natural instincts of humanity, and

the love that parents bore to their own offspring. A stranger could not come in and act the part of a parent better than the parents themselves. He did not believe that, if society were properly constituted, distress could exist, however abundant the labour. Nor did he believe that parents would allow such oppression as the noble Lord had stated, except under the pressure of extreme want. For all these reasons he protested against a measure which could not do good, and must do evil. He, therefore, submitted to the noble Lord, that if he took the superintending management of children, he was running counter to nature, and that legislation upon that principle would be injurious in the end. Did they mean to say, that in England, the most enlightened country in the world, there were monsters existing who would destroy, or take means to destroy, their own offspring, and place themselves in a situation of danger? He could not give credit to those statements that were brought forward as a general feature of society, though there might be individual cases; but let the noble Lord visit any place in this metropolis where the workman lived, and examine the state of his children and his hovel, and he would find it equally necessary, if distress were to be the reason, why he should interfere there. He objected to the principle of the Bill, and had objected to the proceedings of the noble Lord from the first moment the noble Lord had attempted to interfere with hours of labour. In fact, his first efforts in that House were directed in 1811 to throwing out the Framework-Knitters' Bill, which would have placed the labouring classes under the same trammels which the noble Lord now wished to impose. That Bill was rejected, and he never had regretted the result. Before he sat down, he wished to call their attention to a pamphlet which he held in his hand, and which was called "*Common Sense Truths, proposed for the consideration of the Working Classes, addressed to philanthropic Gentlemen and to the Lord Bishop of Exeter*," in which the writer said that zealous philanthropists were bad legislators, as they took a one-sided view of the evils they wished to cure, and that all busybodies were nuisances, but that the worst of all were Government busybodies. He had no objection to interference in certain cases; but when they included in the same category thousands and tens of thousands who did not require that interference, he said it was a desecration

of government, and was one of the evils of the present day. The working classes were trammelled and tied hand and foot by the Legislature; they were deprived of all the advantages they ought to have, and all these efforts only made them paupers, and were demoralizing and injurious. There was no place in the world possessing the means we had, and yet there was no place where there existed so much misery, as had been truly stated by the noble Lord. If that were so, surely there was some error somewhere. He believed that they had meddled too much already, and he therefore hoped that the right hon. Gentleman, though he now gave his sanction to the introduction of this Bill, would stop it in its progress, and would not allow any further restriction to be imposed on the working classes of this country.

Mr. Cobden said, that the right hon. Gentleman, the Secretary for the Home Department, had stated very accurately the distinction between printworks and factories; and he rose to make a few remarks upon the noble Lord's statement as to calico printers in general. He gave the noble Lord credit upon this occasion for avoiding all invidious personal allusions; but he thought the House would admit that the noble Lord had wandered into other irrelevant cases of demoralization, not having any direct reference to the question before the House. He did not mean to say that persons employed about calico printworks were better than other persons; but surely it must appear invidious that in connexion with this question the noble Lord should have gone into details—such as of the number of men who had been sentenced for murder and arson, and that one unfortunate and wretched woman had burnt her own offspring. He protested against the tendency of this discussion, leading the public to suppose that there was something peculiarly demoralized about the printers of calico. He believed that the character of those people was much the same as that of other workmen. The children about whom they were so much concerned worked in a mild temperature, under shelter from the weather, and earned 3s. a week; whilst in the agricultural districts he believed they worked for 1s. 6d. a week, and were exposed to all the changes of the atmosphere. The noble Lord said the children were punished for lying, stealing, and fighting; but he believed it was the same in other trades. There were one or two errors into

which the noble Lord—he was sure unconsciously—had fallen. The noble Lord had said that children were employed in these works at three or four years of age. The noble Lord was, he believed, a father, and he must know that it was morally and physically impossible that children of such an age could be employed about a factory. Then, with reference to the case of persons working for eighteen or twenty hours together, he had never heard of such a case, and he ought to be perfectly acquainted with such matters; but he merely mentioned this to show that the noble Lord had on this, as on former occasions, been led into error. He might be said to be an interested party, and he had rather the matter was left in other hands; but the difficulties to which the right hon. Gentleman adverted were difficulties which the noble Lord would meet with on going into Committee on this Bill. He would find in this, as in other trades, peculiar features. In the cotton factory the business was regulated by the steam-engine; when that stopped the whole machinery was stopped; but in calico printworks more than half the persons employed were disengaged from machinery. But, with reference to the general project, the noble Lord was bringing them under a Chinese system of legislation; for the noble Lord said he should never stop until he placed all the children employed in every branch of industry under legislative regulations; but, in order to do that, he must go into every house where children were employed, and prescribe the time of their employment.

Mr. *Wakley* said, that as an act of political civility to the noble Lord, the right hon. Gentleman had determined that the noble Lord should bring in his Bill; but he thought it was quite clear that it was the intention of the right hon. Gentleman strenuously to oppose the second reading of the Bill. [Sir *J. Graham*: I studiously avoided making any such declaration.] The right hon. Gentleman did so; but he studiously inferred from the manner of the right hon. Gentleman, that he was not mistaken. He believed the result would prove that his anticipations were correct—that the right hon. Gentleman would most strenuously oppose, upon the part of the Government, the second reading of this Bill. It was right that people out of doors should know the state of things in that House; and he anticipated for the noble Lord—if the friends of humanity would move in the matter—a splendid victory.

He called upon the noble Lord not to be dismayed when he obtained it. He entertained the noble Lord to push forward to the final goal, when he did obtain the second reading of this Bill, because he (Mr. *Wakley*) did not forget what happened in that House last Session, when the noble Lord did not anticipate success, and was dismayed when he obtained it. The hon. Gentleman (Mr. *Cobden*) had said that it was physically impossible that children of three or four years of age could be employed in calico printing. He believed that the hon. Gentleman had stated what was the fact; but the hon. Gentleman had not told the House what was the age at which they were employed, whether at five, six, or seven; and the hon. Gentleman had refrained most properly from so doing, because it appeared that he could not do it after the allegations which the noble Lord made in moving for leave to bring in this Bill. The facts of the noble Lord were striking; and the subject was one of the most painful character. Was it possible for that House to entertain such acute sympathy with reference to foreign slaves, and not to protect our infant slaves in this country? The noble Lord said that 25,000 were so employed; and the hon. Member for *Montrrose* said that the parents in this country were at liberty to make such engagements as they pleased, and then the hon. Gentleman went on to say that children could do the same. That was a novel doctrine to him. He was not aware that children had any such liberty. In fact, it was notorious that they had not, and, from the statements of the noble Lord, it was certain that their state was one of infant slavery. Could that House, then, act in a more praiseworthy manner than in removing these infants from such a species of thralldom as was described by the noble Lord? Is it would be disgraceful if the House allowed such a state of things to continue without making an effort to remedy it. The noble Lord said he would not allow anything of this sort to last without endeavouring to bring it under legislative regulation. He thanked the noble Lord for that pledge; but he constantly found that when the noble Lord made any of these efforts in the manufacturing districts, other hon. Members always referred to the agricultural districts. But it was not because greater evils existed that you must not deal with lesser ones, and he strongly recommended the noble Lord to take the evils of the agricultural districts in hand. If he did not, his motives would

be misrepresented and thwarted by persons in that House. Let the noble Lord go into the agricultural districts, and see what was the state of the people there. His belief was that they were as badly off in the cottages as in any of the manufacturing towns. The noble Lord would find there evils with which he must grapple in some way or other; and he advised him not to postpone doing it, but at once, in the present Session, to move for a Committee, or take some other means to improve the condition of the labouring classes in the agricultural districts. The right hon. Gentleman, in the remarks he made, stated, with that peculiarly imposing and solemn manner which he could always exhibit when appealing to the commercial interests in that House, that it was a question of profit—it would interfere with profit. Granted. But were we to prefer our children or profit? Were we to sacrifice thousands of children in this country to make a few pounds of profit? The noble Lord said that in Ireland, at calico works, the labour was performed, not by very young children, and that they appeared to be extremely considerate in that respect. But an hon. Gentleman behind him said at the time it was very true, because they could obtain there adult labour at such a cheap rate. If that were true, then it was clear that the work could be performed by adults, and that it was not necessary for children of such tender years to be employed. In a great measure, therefore, the question of profit might be discarded. But did not that show what was the effect of the whole system of neglecting education? For that was what they were doing—they were neglecting education. An hon. Friend of his said, educate the men; but he said, educate the boys—they might make a boy a good man, but they never could make a man a good boy. Educate the child, and we should then have a good and respectable member of society. They were told that the Poor Law was to remedy all these evils: but from the returns made to that House it appeared that it had only led to the increase of crime. In the last Session the right hon. Gentleman brought forward a plan for educating the poor in the unions; but that was abandoned, because it was opposed most strenuously on that (the Ministerial) side of the House. The noble Lord had opened the case again with reference to another branch of the community. They had proofs of the awful condition in which part of the population were placed, and he therefore entreated the noble Lord

to pursue his labour, and he would live to see the happiest results from his exertions. The noble Lord must not be again dismayed—he must marshal his forces and go on to a completion of the object he had in view.

Mr. *M. Philips* thought it was a matter of the greatest importance that this question should be divested of everything like error. And when he heard the hon. Member speak of 25,000 children being hired in the manner he had described, he must enter his protest against any such statement. It must be remembered that a great part of those children were brought forward by their own parents, and were not sought for by the manufacturers. In the operations of factories some work required to be performed by manual labour, and when assistance was required by the workmen, they to a very great extent brought their own children in to do it. If, then, the operative parents of this country placed their own children in the factories, were the masters to be called slave drivers? It was the greatest libel he had ever heard on the manufacturers of this country.

Mr. *Labouchere* said, that he hoped his noble Friend would fix an early day for the second reading of his Bill. The House stood in a very peculiar situation with respect to that subject, after the line of proceeding which had been taken that evening by Her Majesty's Government. He was by no means disposed to say that the right hon. Baronet the Secretary of State for the Home Department had exercised an unsound discretion in allowing his noble Friend to lay his Bill before the House. But he confessed he was surprised to find that the right hon. Baronet, who had had the most ample means of inquiring into the subject, and who had had the most favourable opportunities, in the Reports of Commissioners and other documents, for forming a judgment with respect to it—he confessed he was surprised to find that the right hon. Baronet was not prepared to state to the House, upon the part of the Government, what were their views with regard to the proposal of the noble Lord, and what was the course they should take upon the question. It was most important that the intentions of Her Majesty's Government should be made known upon a subject of that nature. If he rightly conjectured from the speech of the right hon. Baronet the intentions of the Government, he had reason to believe that they had made up their minds to resist the proposal of his noble Friend; but, if that were the case, it appeared to

him that the wisest and most discreet course which they could have pursued would have been to have announced their determination, and not to have given rise to expectations which they might hereafter deem it their duty to disappoint. They all should feel, whatever might be the points upon which they differed, that nothing could be more unfortunate than a continuance of a system of agitation upon a question of that kind, which created between employers and employed relations most prejudicial to both parties. He should not then enter into the question at large; but he must say that he entirely concurred in the very excellent observations of his hon. Friend the Member for Stockport; and he thought that his noble Friend upon that occasion, as upon former occasions, had been too apt to connect the ignorance and the immorality prevailing in the manufacturing districts with some particular branch of manufactures; thus leading the House and the country to draw the inference that the ignorance and the immorality in question were to be attributed to our manufacturing system, and were the almost inevitable results of that system. Now, he at once admitted that a deplorable degree of immorality and of ignorance prevailed among the manufacturing classes in this country; but he was not prepared to admit—on the contrary, the more he considered the subject, the more was he convinced that the conclusion would not be a correct one—that the manufacturing classes were peculiarly distinguished by their immorality and ignorance, as compared to the other classes in this country. His noble Friend had alluded to some dreadful cases of crime which had occurred in the manufacturing districts; but his noble Friend should have remembered that crimes no less appalling had been committed in the agricultural districts. That was a subject which involved the most serious considerations, and it was the duty of the Government to see whether they might not by the promotion of education put a stop to the perpetration of crimes which, he agreed with his noble Friend in thinking, were becoming every day of a more frightful character. He admired the spirit in which his noble Friend had brought forward his proposal, while he doubted the soundness of those practical measures which he would apply as a remedy for those evils which they all acknowledged. He should observe, however, that his principal object in

rising upon that occasion was to express the regret which he felt, that upon a question of that kind the right hon. Baronet the Secretary of State for the Home Department had not given a more decided opinion upon the part of the Government as to the course which they proposed to follow.

Leave given.

OPENING LETTERS AT THE POST-OFFICE.] *Mr. T. Duncombe:* At the close of the last Session I felt it my duty to give notice that I should early in the present Session call the attention of the House to the unsatisfactory and evasive character of the Report of the Secret Committee on certain iniquities in the Post Office. I regret that it is now my painful duty to carry into execution the notice I then gave; but my consolation is that the fault is not mine. The Report was made at so late a period, that it was impossible for me to direct the attention of the House to it before the adjournment, and it is not my fault that I am compelled to do it now: if the Report had been as full and satisfactory as I think I shall be able to show the Committee had the power of making it, it would not have been necessary for me now to trouble the House. I need hardly remind hon. Members of what occurred when this question was first mooted, further than by saying that I presented a petition from a person of the name of Mazzini, an Italian gentleman, complaining that his letters had been opened. That petition was treated by the Secretary of State almost with indifference, and he declined giving any information on the subject to which it referred, beyond stating that he certainly had opened the letters of one of the individuals to whom the petition related. He refused, however, to say which of the petitioners' letters he had opened, and also declined to tell us when the warrant had been issued. Afterwards I presented another petition from Captain Stolzman, a distinguished officer in the Polish service; but the right hon. Baronet refused any explanation with reference to that petition. I then moved that the petition should be referred to a Select Committee, and that Motion was supported by 164 Members, and resisted by 208, so that it was lost by a majority of 44, the Government influence having been used to stifle all inquiry. On the 2nd of July I moved for the appointment of a Select Committee, to inquire into the conduct of the department of the Post Office, commonly called

the Secret or Inner Office, and into the duties of the persons in it, and to report their opinion to the House. The House must recollect that I was met by an Amendment on the part of the Government, as it was then understood that the real object of my Motion would be met by a Committee that was about to be appointed, which Committee, however, was to be a Secret Committee. I objected then to the constitution of that Committee, and also to its being a Committee of Secrecy. I objected also to the course which the right hon. Baronet took in appointing, without one exception, every individual on that Committee. I, who had brought forward these charges, was not allowed myself to be upon it. The real reason of my not being upon it, I shall be able to explain to this House and the public at large. Not one person was placed upon it that I thought ought to have been, in whom I had the greatest confidence, and with whom I might have communicated. I objected to its being secret, knowing that these Committees of Secrecy are never satisfactory to the public; but I felt confident that when even this Secret Committee had done its duty fully and fearlessly, they would give such a Report upon this subject as to induce this House not to allow the law complained of to remain on the Statute Book one hour after the Report had been made. The right hon. Gentleman, although he appointed the Committee, said, he reserved the right of appealing to this House—thus making doubly sure, for if this Jury of its own appointing did not acquit him, he would have a double appeal. I also reserved the right of appealing to this House, and of opening the whole question, if that Report was unsatisfactory. It is from the reservation of that right that I rise now and demand further inquiry; and I will state to you why I think I am entitled to another and a more searching inquiry. And I think if I make out a case that this Committee has not in the first place obeyed the instructions of the House—that if in the statement which it has put forth I show there are gross inaccuracies—that if there is mystification where there might have been simple and honest proof—if there is evasion where there might have been frankness and sincerity—if there are omissions which are most important in this matter, and that the Report is silent as to certain particulars, where, for the honour of England itself, and for the Government, it ought to have

spoken the simple truth—if I make all this out, I shall be much surprised if the House refuses me that open and searching inquiry which the case demands. What were my charges upon that accusation against the Government and against the system? When I went before the Committee, I was called upon to repeat the charges I had made in my place in Parliament. And these were the charges, which I take from the notes I made before that Committee. I stated that I had charged in the House that there existed a secret office in the Post Office Department, where forgery and fraud were practised—where the sanctity of private correspondence was violated; that in that place letters were opened, re-sealed, and forwarded to their destination, and the recipients of them had not the slightest idea that the secrets of their correspondence had been violated. I stated, secondly, that the Secretary for the Home Department, in my belief, had exceeded his power, and that he had made a most unscrupulous use of it; and that more letters had been opened while he was in office than had been opened within the same time by any of his predecessors. I stated, thirdly, that the letters of certain exiles in this country, claiming the hospitality which England always had been ready to afford to them, had been opened at the instigation and desire of Foreign Powers, and that the contents of those letters had been communicated to such Foreign Powers; in fact, that England had become the spy of foreign despots, and imprisonment, banishment, and death upon the scaffold had been the consequence of this system. I stated, fourthly, that the correspondence of foreign ambassadors was the subject of inspection by Her Majesty's Ministers. I stated, fifthly, that a roving Commission had gone, in 1842, into the manufacturing districts for the purpose of opening letters for political purposes. I stated, that my own correspondence had been violated; that my letters, as a Member of this House, had been detained and opened. That was the Bill of Indictment which I was called upon to prefer before the Committee. Those were the charges which I made before this House, and which I repeated. The Committee took them down in their notes, and they were bound to come forward, honestly, fairly, frankly, and candidly, and tell us whether those charges were true or false. Now, how have they met those charges? How do we find those charges explained in this Report? Any one who has read it will find that not one

of my allegations has been contradicted. If our instructions had been to them, "Gentlemen, go into that room, explain nothing, and mystify everything, uphold this system, and contradict the assertions which have been made," I should say, (with the exception of the latter point) that this Committee had well fulfilled its duty. The instruction to the Committee was to inquire into the state of the law, and the mode in which this system of detaining and opening letters had been exercised. I said at the time that I did not think the Motion was comprehensive enough—that we ought to know the circumstances under which every warrant was issued. How did the Committee begin their work? They tell us, first, that with regard to the state of the law that it was the same in 1844 as it was in 1711, when the Act of Queen Anne was passed. But, then, did they tell us what that law was in the time of Queen Anne? No, they leave us there. They then go on to say, that in preference to discussing the purely legal question, they propose to give the history of the practice. Now, there is no one single word more as to the state of the law. There I say they have not obeyed your instructions. They then go back to the time of Edward II. There is valuable antiquarian research in this Report; two-thirds of it is composed of the records of antiquity. We begin with Sir Brian Tuke, and we have warrants given us of various persons in remote periods. What do we want with that? We wanted some of the warrants which have been issued in the manufacturing districts; but they have not given us a copy of any of those we wanted. They go on to state that there have been trials of certain individuals for offences discovered by this practice of detaining and opening their letters—Atterbury, Bishop of Rochester, Dr. Hensey, and others, finishing with Mr. Horne Tooke; but they have failed in proving that their letters were detained under warrant of the Secretary of State. On the contrary, I believe upon the trial of the Lord Bishop of Rochester, an objection was taken to this warrant; and the counsel, in examining a witness, asked whether he had obtained the letter in question under a warrant, and it was quite clear that there was no warrant at all. In short, every one of the cases where the letters had been produced in a court of justice proved either that there was no warrant at all, or that there was a regular search warrant for the

seizure of papers—a power which is quite right in my opinion, the power of seizing papers, which every government should possess. If you seize papers under a certain warrant, every individual suspected knows what you are about; but to reseat letters, to commit forgery, and to send those letters on, I say it is a disgraceful and iniquitous system, and unworthy of any Minister whatever. They go on then to tell us that in 1735 there was a Committee appointed to inquire into this system in Sir Robert Walpole's time, and another in 1742, to inquire into the ten years preceding of Sir Robert Walpole's Administration; and the Committee, in 1742, was not to be allowed to inquire into any secrets of the Government. In 1742, the Report says, however, that the secrets of Sir R. Walpole's government were somewhat rudely pried into by the Secret Committee. I suppose that is the modern phrase for a Committee of this House honestly and impartially doing their duty. Somewhat rudely! It is a compliment that will never be paid to this Committee. I am afraid I shall be accused before I sit down of having somewhat rudely pried into the whole system of the Government with reference to this subject. We do not want to know whether this Committee of 1742 somewhat rudely pried into the secrets of Sir Robert Walpole's government; but, if you turn to this appendix, what will you find this extreme rudeness to have been? It merely tells you that there was this secret office of which I have been complaining established in that time. It was considered extremely rude that this Committee should have communicated the fact to the public. Then we go on. The Committee are extremely minute as to what happened two or three hundred years ago; and, in short, the whole Report is the greatest take-in I have ever known. If what occurred so long ago is so very interesting, how much more so would have been the history as it came down nearer to our own time. If they can tell us so much of the days gone by, now, when the information is so much more easily and correctly obtained, they can give us everything which we do want to know. But we find all this ardour for research, as we approach the nineteenth century, evaporate, and then grow most suddenly and interestingly reserved. Well, then, I have satisfied the House that at all events as to the state of the law, they have made no Report upon it. They have

also said in another page—as to the mode in which they were appointed to examine, that they also declined following the warrant from the time of its reception at the Post Office to that of its execution. Therefore, they avoid explaining the law, and then tell you, with regard to the mode, that they don't think it proper to follow the warrant from the time of its reception to its execution. Why that was one of my specific complaints—that was a subject upon which the public required information, and they will not be satisfied until they have got it. Why have they not followed the warrant from the time of its reception to its execution? For this reason, it would have required details of this Secret Office. They have not said on eword about this Office. If they had gone into it, they must have laid bare all the iniquities of that office; but they have escaped from that by saying that they did not think it necessary to make the inquiry. I say, then, that they have not followed the instructions of the House. And here I may take an opportunity of saying I have seen in the papers a paragraph which states that this Secret Office has been done away with. I suppose, therefore, that this Secret Office has been closed; but, as the lawyers say, I believe the venue only has been changed. What does it signify to us whether the practice is going on in that lobby or in this, so long as the practice remains in its full force? It matters not to me or the public, whether this iniquity takes place at the Home Office or in St. Martin's-le-Grand. Therefore the public must not be deceived by supposing, from this paragraph, that the system is done away with. It was created by an Act of Parliament, and the same means alone can destroy it. Well, I have stated that the Committee have not followed their instructions as to inquiring into the state of the law, or the mode in which letters have been opened. Then I also stated, secondly, that the right hon. Baronet had exceeded his powers, and made the most unscrupulous use of them; and that more letters had been opened in the present Administration than in any former one during the same period. Well, now, without intending it, it appears to me that the Committee have rather let the cat out of the bag with reference to this very fact, and the charge which I made is proved. There is a good deal of mystification upon the subject; but it is stated that the general average of the warrants issued

during the present century does not much exceed 8 a year, and this number would comprehend on an average the letters of about 16 persons annually;—that in the last 44 years there have been 372 warrants issued, which had affected 724 persons. In a subsequent part of this Report, it is stated, that out of these 372, two-thirds are what the Committee are pleased to call generally criminal warrants—that is, warrants to ascertain murderers and thieves, fraudulent bankers, and persons defrauding the Revenue. A portion of these warrants are also called uncertain; and it is explained that the greatest part of them, if not all, are criminal warrants, as distinguished from political warrants; consequently, two-thirds of the 372 makes 248 criminal warrants. Now criminal warrants are directed, I believe, in general, against an individual, to ascertain the address of the person suspected of any offence—they do not contain the names of several individuals; consequently, these 248 criminal warrants would, I say, affect 248 individuals, leaving 124 warrants to affect 476 persons for political offences. It appears, therefore, that this power is maintained for political purposes more than for ascertaining the species of crime against which it is occasionally directed. Well, Sir, in the three years, from the summer of 1841, when the present Government came into office, to the summer of 1844, when this Committee made its Report, the following warrants were issued:—In the year 1841 there were 18 of these warrants, and, giving one-half of these to his predecessor, I leave 9 for the right hon. Gentleman, the present Secretary for the Home Department. In 1842 there were 20; in 1843 there were 8; and in 1844—which is only for one-half of the year,—there were 7, making altogether 44 warrants in the short space of three years. Now, looking over the whole list preceding, in no three years of any Administration will you find that 44 warrants have been issued. The greatest number—and it was singular enough,—was upon Lord Sidmouth's entrance into office—a period which was marked by the most flagrant practice of opening letters;—and it appears that in 1812, twenty-eight warrants were issued; in 1813, eight; and in 1814, three. The right hon. Baronet, therefore, beats Lord Sidmouth by five. Well, I say, show me any period which this Committee has given where any Minister has issued a greater number of warrants than the right hon.

Baronet. That was my case originally; and, thanks to the Committee, they have furnished me with the means of proof. Then I also said that another unscrupulous use which had been made of this power was, that it had been exercised towards foreigners; and this I proved by the petitions which I laid on the Table of Mr. Mazzini, and Captain Stolzman, making the complaint which was the original cause of this inquiry. I don't believe that you can show me any instance on record of a similar circumstance. With regard to Mr. Mazzini's, which came first, my complaint was that the Government had opened these letters of his at the instigation of a Foreign Power, and that they had communicated the information which they had received from these letters to some Foreign Power. The Committee have acknowledged that the warrant was issued on the 1st of March, and cancelled on the 3rd of June of the past year, for opening letters addressed to Mr. Mazzini. The intercepted correspondence was transmitted to the Home Secretary, read by him, and then forwarded to the Secretary of State for Foreign Affairs. The facts of the case appear to be as follow:—Now, mark this; I say there is a gross error upon this Report, which is fatal to its validity. The Committee say the warrant was issued on the 1st of March, and cancelled on the 3rd of June. It will be recollected, when I presented that petition, the right hon. Gentleman said that Mr. Mazzini had no right to ask for redress, for the warrant was withdrawn. My hon. Friend behind me asked when he had withdrawn the warrant? Sir, Mr. Mazzini's letters were detained and opened the day before I presented his petition to this House, and that was on the 14th of June. Mr. Mazzini's letters were opened from Christmas, 1843, up to the 13th of June. This system was going on for six months, as it is now in my power now to prove, if you will grant me this Committee. I believe the warrant was fabricated for the occasion.* I do not believe there was ever a legitimate warrant issued in the first instance. I believe the whole system has been conducted in a loose manner. That such a warrant was laid before the Committee there can be no doubt. No one disputes the honour of these Gentlemen. This warrant bears date from the 1st March to the 3rd June, a period of three months; but unfortun-

nately for them, what do the Lords' Committee say—they contradict this. They say—"It is true that Mr. Mazzini's letters were for four months stopped and opened." One says three, and the other four months. Is it nothing for a man's letters to be opened for a month? Does not that require another inquiry and investigation? But I will carry it further, and say that it was between five and six months. I don't care for the warrant laid before this Committee. I can prove that these letters were opened prior to the time when this Report states the warrant to have been issued; and also subsequent to the time when it says the warrant was cancelled; therefore, I say, there is a gross error upon the face of this Report. I don't accuse the Committee of intentional error; they have been imposed upon, and this requires further explanation and inquiry. When I last brought this subject under the consideration of the House, I stated that the contents of Mr. Mazzini's correspondence had been communicated to Foreign Powers; and that his letters had been opened at the instigation of Foreign Powers—that I repeat—a portion of it is admitted by the Committee. The Report says—

"Representations had been made to the British Government from high sources, that plots, of which Mr. Mazzini was the centre, were carrying on, upon British territory, to excite an insurrection in Italy; and that such insurrection, should it assume a formidable aspect, would, from peculiar political circumstances, disturb the peace of Europe."

Why mystify this? Who are your "high sources?" When we hear a "high source" spoken of in this country, it is generally meant to convey the Sovereign; and these "high sources" are doubtless the Sovereigns of other realms, and that establishes my case. They could not specifically say that certain Ambassadors had asked the right hon. Baronet to issue these warrants; but they leave us to guess who these "high sources" are. It goes on to say that "Mr. Mazzini was the centre of the insurrection carrying on upon British territory." No statement was ever more false. They ought to have given Mr. Mazzini the right to be heard before that Committee, and he would have given a different version of it. The Report goes on:—

"The British Government, considering the extent to which British interests were involved in the maintenance of that peace, issued, on their own judgment, but not at the suggestion

* But see *Post*, February 20th.

of any Foreign Power, a warrant to open and detain Mr. Mazzini's letters."

It says it was not at the suggestion of any Foreign Power;—then what becomes of the high sources? I suppose there will be some quibble about who had suggested it; but they said, no doubt, "perhaps you'll find out." The Report continues:—

"Such information deduced from those letters as appeared to the British Government calculated to frustrate this attempt, was communicated to a Foreign Power; but the information so communicated was not of a nature to compromise—and did not compromise—the safety of any individual within the reach of that Foreign Power."

At the same time I would also read a paragraph from the Lords' Report to the same effect. It says:—

"Certain parts of the information thus obtained were communicated to a Foreign Government, in so far as such a communication appeared to be warranted; but without the names or details that might expose any individual then residing in the foreign country to which the information was transmitted, to danger."

Now, I should like to know what the Secretary of State for Foreign Affairs says to these passages, because I find, in a debate upon the subject in the House of Lords, Lord Normanby asks if the information had been communicated to a Foreign Power? and the Duke of Wellington replied in the negative; but Lord Aberdeen got up, and said that he could answer the question, perhaps, more satisfactorily; and he added that not one word had been communicated to any Foreign Power. Well; now the Committees of the House of Lords, and of the House of Commons, have settled that with the Secretary of State for Foreign Affairs. There was a gross falsehood somewhere; but on whose part it has been told, it is not for me to say. I, for one, believe the two Committees; but I say that the contradiction of your Secretary of State for Foreign Affairs requires an explanation not only to his country, but to foreign princes and nations. Well, then, the Commons' Report says that this information, which both the Committees maintain was given to Foreign Powers, was not calculated "to compromise the safety of any individual within the reach of that Foreign Power;" and just before it is said that "such information as appeared calculated to frustrate this attempt was communicated to a Foreign Power." Now, what a way of frustrating any attempt was this? Was this worthy of

England? Was this the course which you ought to have adopted to "frustrate" this attempt, when you knew you involved the lives of eight unfortunate individuals? You have asserted here that Mr. Mazzini was the centre of this insurrection, and that he was concocting it here. Now, if you would have allowed him to have appeared before that Committee, you would have found, by his correspondence, as I can prove, that there were certainly statements made in letters to him, proceeding from those misguided and unhappy men in Italy, and then residing at Corfu, that they wished to make a descent upon the dominions of his Holiness the Pope, and also upon a portion of the Neapolitan territory; but Mr. Mazzini, in his letters to these individuals, said and did all that he could to dissuade them from it. He said it was a rash attempt, and must fail, and he implored them to desist. They answered his letter, and said, "We will desist, we will follow your advice;" but unfortunately the poison had gone forth to the Neapolitan Government. The British Government had given them intelligence of the purport of the first part of the correspondence, and it was too late to recall it. The Austrian Government sent their spies amongst those unfortunate people. Those spies provided them with ships, and said that in Calabria the peasantry were waiting to rise, and only wanted leaders. These men were misled—they were imposed upon—and notwithstanding the assurances which they gave Mr. Mazzini in their letters, they left Corfu and went to Calabria, where, instead of the peasantry being ready to receive them, they were conducted to the mountains, and found there a force which had been sent thither by the Neapolitan Government—instigated to it and advised, for ought he knew, by the British Government, and there they were seized; some of them perished in the struggle, but nine of them were seized and carried before a military commission, and shortly afterwards executed. Here is an extract from a letter that was written shortly after their death. It should be recollected that these were men of high family, and were noble-minded but misguided beings. There were amongst them the two Bandiera, sons of the rear-admiral of that name. This is an account of their death, written to Mr. Mazzini here:—

"The Bandieras and their seven companions died calm and intrepid, bearing witness of their faith, as becomes men who die for the

just and the true. One who was present at their last moments at Cosenza, on the 25th of July, speaks of them as of saints, reminding one of the martyrs of the first ages of Christianity. The morning of their execution they were found asleep. They paid almost minute attention to their toilet, as if they were about to accomplish an act of religious solemnity. A priest approached them; they mildly repulsed him, saying that having sought to practise the law of the gospel and to propagate it, even at the cost of their blood among those emancipated by Jesus, they hoped more from their own good intentions than from his words. 'Reserve them,' added one of them, 'for your oppressed brethren, and teach them to be what the Cross has made them, free and equal.' They walked to the place of punishment, conversing together without agitation, without ostentation. 'Spare the face!' said they to the soldiers, who were making ready; 'it was made in the image of God. Viva l'Italia!' This was their last cry upon earth. God and their brothers will recollect it."

Another individual says, writing on the same subject,—

"'If we have success,' they wrote to me in their last letter on the 11th of June, hasten to join us! If we fall, tell our countrymen to imitate our example; for life has been given us to employ nobly and usefully, and the cause for which we shall have fought and died is the purest, the holiest, that ever warmed the breasts of men; it is the cause of liberty, of equality, of humanity, of the independence and unity of Italy.' Such are the men against whom your Government has leagued itself with Austria and the King of Naples."

Three men were executed, and this, no doubt, occurred in consequence of the information by the Government to Foreign States. Why not, when you obtained possession of this information by means of opening the letters, have sent to these unhappy individuals, and told them, "Your plan has been discovered, and you must cease to plot on British ground; you are now running into danger, which must involve you in ruin." If you had done this, they would have listened to you, instead of your being the means of leading them to death. These men, then, were made the victims of this system; and I consider that the blood of these men is more on Her Majesty's Ministers than on those whose duty it was to pull the triggers of the muskets with which they were shot. If ever a monument should be erected to the memory of those men who fell at Cosenza, which I trust will be the case, the epitaph on it should be, that they fell in the cause of truth and justice, and through the baseness and treachery of a British

Minister. And this, be it remembered, would be perfectly true, as it is one of the consequences of this odious system. But was this the only case which existed with reference to foreigners? I presented a petition last night from two distinguished Polish exiles—the one M. Stanislaus Worcell, a member of the Polish Diet, and Captain Stolzman—respecting the opening of their letters at the Post Office. The latter gentleman found, by some means or other, as Mazzini did, that his letters had been opened, and he, also, last year asked for redress and inquiry; but he was never called before the Committee, and no information was given to the House by the right hon. Baronet as to the opening of the letters of Captain Stolzman. I suppose, however, that the information obtained by means of his letters was communicated to the Russian Government, although the result did not prove so fatal to him as was the case with the Italian refugees. But still this proceeding was altogether most disgraceful to the British Government. The Report of the Committee proceeded to state that—

"A warrant to open and detain all letters addressed to M. Worcell and to M. Stolzman was issued on the 17th of April, 1844, and cancelled on the 20th of June."

I have proof to the contrary. I have made no assertion on this subject which I am not able to prove. Again, the Report says—

"A warrant to open and detain all letters addressed to M. Grodicki at Paris, and to another foreign gentleman, was issued on the 3rd of June, 1844, and cancelled on the 13th of the same month."

Now, M. Stolzman appeared before the public last year by presenting a petition, but no one then heard of M. Worcell, until they saw his name put forward in the Report of the Committee. M. Worcell yesterday presented a petition to this House, with the view of getting the opportunity, by means of an inquiry before an open Committee, of getting rid of the false stain on his character, and to vindicate his character before the House and the country. I have reason to believe, also, that M. Worcell was not aware that his letters had been opened until he saw it so stated in the Report. M. Grodicki, also, was not mentioned last year. Why, then, was M. Grodicki, in contradistinction to another, named, held up to public fame; for it is stated in the Report that this warrant

rested on grounds connected with the personal security and safety of a Foreign Sovereign then in England. What did this mean, but that these Gentlemen were actuated by a wish to assassinate this Foreign Sovereign, whom we all know was the Emperor of Russia; but why not say so? for there were two Foreign Sovereigns in the country at that time—namely, the King of Saxony and the Emperor of Russia together. The Committee, however, as usual with them, could not be clear on the point, but appeared anxious that posterity should be in doubt as to whether it was the King of Saxony or the Emperor of Russia that these parties wished to assassinate. The Report then proceeds—

“The last two warrants rested on grounds connected with the personal safety of a Foreign Sovereign, entrusted to the protection of England. It appears to your Committee that, under circumstances so peculiar, even a slight suspicion of danger would justify a Minister in taking extraordinary measures of precaution. The Committee have not learned that there appeared in the letters that were detained anything to criminate the gentlemen whom the Committee have very reluctantly named.”

And who asked the Committee the names, and what necessity was there for imputing, or rather insinuating, the wish on their part to commit such a dreadful and foul crime as murder? If they thought it necessary in their report to impute to them such a horrid crime as murder, they should have allowed those gentlemen to come before the Committee, and heard what they had to say in answer to such an accusation. I happen to know that M. Worcell is a member of a high and distinguished family in Poland, and he was a member of the Polish Diet; and from all that I have heard, he was as incapable as any Member of this House of entertaining any intention of committing such a crime; and was it to be borne, then, that this gentleman should be libelled by this Committee by accusations such as they had dealt against his character? This was most unjust on the part of the Committee; and the House, in common fairness, should grant another Committee to allow this individual to explain and vindicate his conduct. If the House should allow the appointment of another Committee, I know that it would come out that all these charges emanated from spies who were here at the visit which the Emperor of Russia “undertook, at a great sacrifice of private convenience;” and

with a view to ingratiate themselves with the Russian Embassy, they invented those charges of the intention to commit an atrocious crime; the consequence was, that the Russian Ambassador, or some of his officers, went to the Secretary of State for the Home Department, and communicated to him the insinuations which they had heard; and the result was, that the warrant was issued to open the letters of these gentlemen. These spies, wishing to return to their native country, ingratiated themselves with the Russian Embassy at the cost of these honourable men; and their assertions respecting this foul calumny were not only believed in that quarter, but it is evident were partly believed by our Government; and the Committee observe that they had not heard that there was anything in the correspondence of these gentlemen of a criminal nature. The result was that the spies returned to their native land, having got an amnesty, and these gentlemen remained here with a foul stain cast on their character by the Government of this country. This was a most disgraceful part of the Report, and which the Committee was not justified in making. I do not believe that the Government was aware of what it was doing when it was imparting the contents of the letters which showed what passed between the exiles here, and their families in Poland. When the Secretary of State had opened and read the contents of the letters of the Polish exiles and their families, he probably would state to the Russian Government, at whose instigation he had opened them, that there was nothing in these letters of a political or criminal nature, but that they only related to family matters. Are you aware of what you are doing even by giving only this information to the Russian Government? It is notorious that in Poland several ukases have been issued, prohibiting any person in Poland from holding any communication with the exiles of that country; and if they corresponded, no matter on what subject, in writing with a Polish exile, they were to be subjected, for the first time, to be imprisoned and flogged. It was also declared to be high treason for any one in Poland to correspond with certain persons in England who were named. The names of Worcell and Stolzman are in the list of those with whom it is declared to be treason to correspond. Under the authority of this ukase, the wife of General Sovinski has been imprisoned on suspicion

of corresponding with other Polish ladies in exile. Madame Vinnitcha, the wife of Colonel Vinnitcha, was also imprisoned for writing to her husband in exile, and Madame Valde was imprisoned and received fifty severe lashes for corresponding with an exile. And these punishments, be it recollected, are inflicted under the mandate of a Sovereign, on whose coming over here a British House of Commons congratulated Her Majesty, considering that the journey of the Emperor of Russia, undertaken at a great sacrifice of private convenience, was a proof of the friendship of his Imperial Majesty. I do not suppose that the Government was aware that they were inflicting injuries on persons in Poland to such an extent, when they informed the Russian Embassy that the contents of the letters received by the Polish exiles only referred to family affairs; but it appeared that if a wife corresponded with her husband who was an exile in this country, she was subject to the most brutal of all punishments—namely, to corporal punishment. If, also, she had any children, she was not only exposed to this disgraceful punishment, but her children were taken from her altogether. I say, therefore, that a Government should be very cautious how it communicates to Foreign Powers any information obtained from the private correspondence of persons in this country, although such letters may relate only to domestic affairs. I come now to another part of my case, as to what is alleged to have been a common practice—namely, the opening the letters and correspondence to and from Foreign Ambassadors which pass through the Post Office. I say that it has been a common practice that the letters of Ambassadors in this country were opened before they were delivered. I imagine I see the Earl of Aberdeen receiving a Foreign Ambassador at his table, and asking him what news he had received from his court, and thus going through the solemn farce of asking such a question, after he had himself read the letters to the Ambassador. I stated last year that the despatches and letters of Foreign Ambassadors which had passed through the Post Office were, before they were delivered, or before they were sent out of the country, opened and copied. When I said this, people doubted it, and said that it was imaginary on my part. But what do I find in the Report? It is there stated—

“On the subject of the Foreign Department

at the General Post Office, the secrecy of private correspondence, your Committee are assured, is kept inviolate. Certain warrants, bearing respectively the signatures of the right hon. Charles James Fox, when Secretary of State for Foreign Affairs, in 1782, and of his successor, the Marquess of Carmarthen, were laid before your Committee; which, being of a very comprehensive nature, have, in conjunction with other information, induced your Committee to believe that diplomatic correspondence, when posted in ordinary course, incurred in this country and in the other great States of Europe nearly equal risk of inspection. How long similar warrants continued, and when they were finally recalled, your Committee have no information, nor do they think it their duty to report as to any practice which may have existed in reference to this part of the subject.”

And why not report as to this practice? for in so doing the Committee would only have acted in conformity with the instructions they received from the House. The Committee there say—

“Of this they are satisfied, that no such warrants or practices now exist; and that public as well as private correspondence, foreign as well as domestic, passing through the Office in regular course, now enjoys complete security, subject only to the contingency of a Secretary of State's warrant, directed for special reasons against a particular letter or letters.”

Now, how long this practice continued we are not told; it is said that certain warrants were produced having the signatures of Mr. Fox and the Marquess of Carmarthen, as Secretaries of State for Foreign Affairs; and we are left to guess, as far as this Report is concerned, as to whether the practice continued up to twenty years or twenty hours before the Report was drawn up. But what is stated in the Report of the Secret Committee of the House of Lords on this subject?—

“It appears to have for a long period of time, and under many successive administrations, been an established practice, that the foreign correspondence of Foreign Ministers, passing through the General Post Office, should be sent to a Department of the Foreign Office, before the forwarding of such correspondence according to its address. The Postmaster General having had his attention called to the fact, that there was no sufficient authority for this practice, has, since June, discontinued it altogether.”

I can only say that it appears to me most strange that the Postmaster General should be put to shame as to the alleged irregularity of this practice, as if it were

not common. As for the assertion, "that no such warrants or practices now exist," it is a mere quibble as to there being no such general warrants. And what, after the statements made in this Report, must foreign nations think of the system which existed in this country as to the opening letters of Foreign Ambassadors at the Foreign Office? As to the feeling formerly entertained by Foreign Ambassadors with respect to this practice, I hope the House will take the trouble to remark what occurred in the House of Lords some years back. I find that it is stated in the Report of the Committee of the House of Lords, that this practice continued until recently. Now, let us see what happened in 1641, when the Venetian Ambassador complained to the House of Lords that his letters had been intercepted and opened. I find the following statement in the Lords' Journals of the 17th Charles I., 1641, Friday, 12th November:—

"The Lord Keeper signified to the House, 'that the Venetian Ambassador made a complaint to the Lords of the Council, that the despatches which were sent to him this week were opened, and the seal of the State of Venice broken open by the Parliament, whereby he accounts himself much grieved with it, and for this he hath retired himself from the public affairs, as an Ambassador between this Kingdom and that State, until he receives further command from his masters.' Then was read a paper, being a translation out of Italian, delivered from the Venetian Ambassador. The contents was this, videlicet, 'Most noble Lords, the correspondency betwixt princes there hath always been the most immediate ways of a true interest of maintaining of estates, and of continuance of commerce to the benefit and increase of the Commonwealth. To cultivate this, the most great Kings hath always used the most industry; and to facilitate it, they have introduced the expedition of Ambassadors to confirm it betwixt the one and the other kingdom. In this there hath been all respect rendered to all princes even in all times, not only having made the large prerogatives and liberties, and the very same (as I may say) the very princes and patrons possessing the same dominions amongst the remarkable and equally necessary; and that by which we may receive letters, and send from the proper prince, and whatsoever person, without any interruption, which is the most principal part of an Ambassador; which practice, most noble Sirs, is not the laws of our nation alone, but universal, and hath been maintained and inviolated of the king and the public, and of all Christian governments, no less than amongst the most barbarous. I nevertheless cannot say but that I have enjoyed in this great Court that just respect,

until the last letters were opened which came from France to me directed, although they were restored by my Lord Feilding and Sir Henry Vane, upon whose honour they secured me that it was a simple error, and not willingly committed, which I believed; yet could not persuade myself that the Government of England, so noble and generous, should have so inferior a mind as to open the letters of an Ambassador, and by this means to violate the laws, and to give an example to the world so damnable, and of so little respect towards the Minister of the Serenissima Respublica, which, after so many ages, hath given a sincere testimony of affection and esteem to this Crown. So now new experience, with my mortification, hath given testimony of the contrary, being yesterday all the letters were opened coming from Venice, Antwerpe, and other countries, and the very letters writ unto me from the Serenissima Respublica, the regal seal being broken, and the Commission sent from my Lords being published, and many of my own letters being taken. The success of this cannot be approved of by any. I have judged it not inconvenient to give notice unto your Excellencies, by which you may reflect of the greatness of their knowledge, as much as concerns them, taking that resolution which they judge most necessary to the sustaining of the honour of this nation, of the public faith, under the protection of whom the Ambassadors live and make themselves known to all princes, that in England they do not pretend to introduce new laws, but they maintain constant profession of the ancient, rendering the respects which they ought to the Ministers of the Serenissima Respublica."

Such was the subject matter of complaint in 1641, of the Venetian Ambassador, most properly designated by that Minister as a most damnable system. Indeed, the custom was so admitted to be by the House of Lords; for when the Venetian Ambassador complained of such a violation of faith, the House of Lords thought proper to assent to it. The Journal of that House proceeds to state—

"This House thought it fit, and agreed, that satisfaction for this shall be given to the State of Venice, and to the Ambassador for the present. The House appointed the Earl of Bristol, Earl of Holland, Lord Viscount Say and Seal, the Lord Digby, and the Lord Newnham, to draw up presently what was fit to be given by way of answer to the Venetian Ambassador; and their Lordships presented a draught unto the House, which was read in *hac verba*, videlicet:—"That four Members of the House of Peers be forthwith sent to the Ambassador to disavow the action, and to endeavour to give him all satisfaction, by declaring how sensible they are of it, as tending to the breach of public faith, and the Law of Nations; and to show further, how desirous they

are to continue the ancient correspondence betwixt the King and that State, the House of Peers are resolved to be humble suitors to his Majesty, to hasten the departure of his Ambassador, to make known to that State the same sense, with such other expressions as may best declare the tender respect they have to the honour of that State, and the noble usage their Ministers may expect and shall find in their residence here, from the King and Parliament.' This being approved of by the House, the Lord Privy Seal, the Lord Great Chamberlain, and the Lord Marquess Hertford, and Lord Newnham, were appointed by the House to deliver the aforesaid paper to the Venetian Ambassador. The Lord Newnham reported, 'that himself and the rest of the Lords appointed by this House repaired to the Venetian Ambassador, and delivered unto him the paper, translated into Italian, touching the excuse for opening of his letters; and after he had read it, he presented to this House great thanks for sending such persons, of such great place in this State, to him, and promised he would present the same to the State of Venice, with as much respect as he could, but desired that the King's Ambassador may be sent away as speedily as may be to Venice, in the nature of a special Ambassador, to make excuse for this particular business, before he treat of any public affairs; and for prevention of any accident for the future, he desires to have an order to the Postmaster that his letters may be speedily sent him.'

Now, here it appeared that the Venetian Ambassador would not take the apology in the shape in which it was offered; but it was ordered that an Ambassador should be sent to Venice with a written apology, and strict orders were given that the Ambassador's letters should not be again opened. What would you now say, if the Ambassadors of all nations called upon you to make an apology for opening their letters? I can only say that it is a most infamous system, and utterly disgraceful to the character of England, and I am glad to find that it no longer exists, though it only ceased to exist in June last. I now come nearer home. I said last year that a roving Commission had been appointed, which went through the manufacturing districts for the purpose of opening letters, and also to see to whom suspected persons were writing. This, however, was distinctly denied at the time; but what do I now find stated in page 18 of the Report:—

"During the outbreak in the manufacturing and mining districts, which took place in August, 1842, in the week of the greatest anxiety, a clerk was sent down from the London Post Office, with directions, under the authority of

the Secretary of State's warrant, to open the letters of six parties named therein, all taking a prominent part in the disturbances of that period. In the same week the same clerk was directed, under authority of two other such warrants, to open the letters of ten other persons named; and a fortnight later to open the letters of one other person, making seventeen in all. Most of the persons whose letters were ordered on this occasion to be opened were indicted, and many both indicted and convicted, before the Special Commission appointed to try the parties concerned in those disturbances. With one exception these warrants were issued between the 18th and the 26th of August, 1842, and they were all cancelled on the 14th of October."

Now what became of this one exception we are not told; perhaps it is in force now. The Report then went on to say:

"About the same time, two clerks were sent down to two provincial towns, each with directions under authority of a Secretary of State's warrant, to open and examine the letters addressed to one individual in each town: but in one of these cases there were no letters to open. One clerk employed on this duty returned to his ordinary business after a week's absence, the other after an absence of five weeks."

Now could there be any doubt that this proceeding gave rise to the report that a roving Commission had been sent into the manufacturing districts? It was stated in the Report that there was no such commission, but this certainly very nearly resembled it, as a clerk was sent over the manufacturing districts to open suspected letters. I said that the Secretary of State for the Home Department had not acted in the usual manner, but I was contradicted. I would ask whether the Committee can deny that this mode of sending a clerk into the country purposely to open letters, did not justify me in the language which I used? I believe that the proceeding of the right hon. Gentleman was totally and entirely illegal; for it appears that this clerk was not merely to open letters, but to examine the letters of persons from a distance. This clerk was ordered to open letters in a particular handwriting. I am not satisfied, then, that he did not open other persons' letters, with respect to which there were no warrants. When letters were directed to individuals, how could this clerk distinguish one man's handwriting from another? how often mistakes must arise! I am told that a warrant was issued to open letters in a certain man's handwriting; but how can any one tell

that other persons letters were not opened, with respect to which there was no warrant? I believe if inquiry were made into the practice, the proceeding of the right hon. Baronet would be found to be perfectly novel and entirely illegal. The Report then proceeds:—

“In the autumn of 1843, during the disturbances which took place in South Wales, two clerks were sent down from the Post Office into the disturbed districts, with directions, under authority of a warrant from the Secretary of State—one to inspect the letters of one person at a particular town, the other to inspect the letters of another person at another town; and, subsequently, under authority of a different warrant, this second clerk was sent to a third town, there to inspect the letters of a third person. In all three instances, the persons whose letters were to be inspected, were specifically named in the warrant. One of these warrants was in force eighteen, the other seven days. It is these facts, probably, that have given rise to the report of a Commission or Commissions having visited the manufacturing districts, charged with a general authority to open and inspect letters.”

This, I say, is a most dangerous proceeding, to let the Secretary of State act in this way, and that he shall be allowed to send down a clerk to open any person's letters at this person's discretion. I contend, that on this point, there should be some further and more satisfactory information. It is stated in another part of the Report,—

“Your Committee will here notice a statement which has been made, that instances have occurred of sending entire mail bags with letters to the Home Office for examination. Your Committee are satisfied that no instance of the kind has occurred.”

I never said so; but I know that whole bags have been opened at the Post Office, for the purpose of selecting particular letters. Indeed, it is admitted in the Report of the Committee, that the letter bags from Dublin, Brighton, and other places, had been taken out of the usual course into an inner room of the Inland Office, at the General Post Office, for the purpose of being examined. I never said that the bags were sent from the Post Office; when, therefore, the Committee have chosen to answer a charge I did not make, I must say that I think it would have been better if they had distinctly answered the charge I really did make. Again, the Committee say,—

“None but separate letters or packets are ever sent, out of the ordinary course, from

the Post Office to the Home Office—and those never but under a Secretary of State's warrant; and that warrant usually directs, that a letter or letters directed to certain persons, or written in a certain handwriting, be detained; and that either a copy of the post mark, or of the address, or of the contents, or that extracts from the contents, or the letters themselves, be sent to the principal Secretary of State.”

Now, look to the vague generalities in this, that copies or extracts are to be made of letters written in a certain handwriting. Why, under the plea of opening letters in a particular handwriting, these persons might open any letters that came before them. Did the law, I ask, ever contemplate the opening of letters in any particular handwriting, for no one could find out with any tolerable certainty who wrote any particular letters until they were opened and read. Is there, I ask, any similar instance to this in the whole annals of letter opening? The Committee have given copies of the warrants for opening letters issued by the Duke of Newcastle and other Ministers nearly a century ago; but I should like to have a copy of one of the warrants issued by the right hon. Baronet. I now come to the last charge which I made. I stated that I had reason to believe that my letters had been detained and opened. Now, on this point, the Committee have been perfectly silent. I stated, in the first instance, that after the letters were sorted, and were in the hands of the letter-carrier, that he was told to give up the letters of such or such a street. I particularised the letters sent to the Albany, and said that I knew, that in 1842, my letters directed to that place were asked for. On my making the statement that I had reason to believe that my letters had been opened, a great number of gentlemen said to me, “We cannot suppose your letters have been opened; Government cannot be so base, and mean, and shabby, to issue a warrant to open your letters, or those of any other Member of Parliament.” Now, although the Committee in their Report are silent on the point, I know—and give me a Committee, and I will prove it—that my letters were daily opened by order of the right hon. Baronet. I confess that I feel degraded as a Member of the House of Commons, that I am such an object of suspicion to a Secretary of State, that my letters should be opened. I cannot conceive a greater personal insult, a greater insult to the constituency I represent—a large and enlightened constituency as it is—for I am

not the representative of a rotten borough, or the nominee of a Peer. I say, therefore, that I cannot conceive a greater insult, because it is not merely an insult to myself personally, but to the constituency which I have the honour to represent; and I will further say, that if my correspondence is not free, I am not a fit representative of the people; and in the name of that constituency, I call on the right hon. Baronet to justify, if he can, the opening of my letters. I know not what story may have been trumped up with regard to the Secret Committees of the Lords or Commons; but I owe it to myself and to this House, and to my constituency—I say it is due to you and to them—that the right hon. Gentleman should justify the course which he took in ordering my letters to be opened. I asked the right hon. Gentleman, on a former occasion, whether my letters had been opened, and he then talked in a vapouring manner of a sense of public duty preventing him from answering such a question. I confess that I hardly believed the circumstance at the time; but the right hon. Baronet then said, that I had put a question which I must well know that he could not answer. How does the question stand as respects the Representatives of the people? I asked the right hon. Baronet whether he opened the letters of a Member of that House; and I now find that the Secretary of State while he was guilty of the meanness, ay, and the baseness, of opening my letters, had not the courage to avow it. [“Order.”]

Mr. Speaker: The hon. Member has applied expressions to another Member of this House, which, I am sure on reflection, he will be glad to explain.

Mr. T. Duncombe: I applied the expressions to the right hon. Gentleman in his Ministerial capacity, and in that alone, and to these remarks I adhere, and so they shall remain. The Committee have not reported on this point, although I called upon them to do so, and I made this charge in the room up stairs, and they have been perfectly and entirely silent as to what inferences they had drawn on the subject. The only inference which I can draw is this, that they did not like to do me an act of justice—not even to the extent that they did to these Polish gentlemen—by saying that they had not learned that there appeared in the letters which had been detained anything to criminate them—they have not done me even the same extent of justice, small as it is.

The Polish gentlemen were told that there was nothing to criminate them in the correspondence which was opened; but the Committee knew well that if they said this with regard to myself that it would have been a direct censure on the right hon. Baronet. This was the difficulty in which the Committee was placed, and I was to be sacrificed for the purpose of screening the right hon. Gentleman. This is another reason for inquiry, and I call for it in justice to my own character, and for the satisfaction of my constituents. The Committee, in the last part of their Report, proceed to consider as to whether or not this power should be abolished; and if any Gentleman who has read the concluding sentences can make out any meaning in them, he must be a wise man indeed. We find reference to the small number of warrants issued in Ireland; and I find, on reference to the debate in the House of Commons, that the consideration of the warrants for opening letters in that country was deputed to the Committee in addition to the original Motion. I find, also, that the right hon. Gentleman quoted a passage with respect to Ireland, more with a view to implicate his predecessors than to defend himself. It appeared that few letters had been opened in Ireland; and when the subject was before the House of Lords last year, Lord Normanby, much to his honour, said that he was “especially anxious that the Irish Post Office should be inquired into, because there had been circulated within the last few hours some most absurd statements respecting the exercise of this power by him (Lord Normanby) when in office in Ireland—he would distinctly and emphatically say, in answer to these misrepresentations, that while he was in Ireland as when in office in England, in no one instance had this power been exercised by him for any political purpose whatever. In the very few instances in which it was made use of, it was applied to those cases of low ribbonism which could not be ferreted out by other means.” It is seldom that I have an opportunity of agreeing with the organ of the Government commonly called the *Morning Herald*; but I must in justice read to the House what I must consider as a most excellent article, which appeared in that journal on the subject now before the House:—

“There are some offences of which it is so dishonourable even to be suspected, that it is real kindness to give a person who labours

under the foul imputation, an opportunity of denying them. It is, therefore, with no unfriendly object that we feel bound to notice once more a charge which has lately been pretty freely and openly preferred against Lord Melbourne and his Cabinet, and distinctly stated a month ago in the *Herald*. The charge is this; that his Lordship and his Whig Colleagues were in the habit of opening Mr. O'Connell's letters at the Post Office. The charge, we regret to say, rests on such authority as we cannot hastily reject or despise; at the same time we are most unwilling to believe implicitly an accusation which, if true, must brand the Whig Cabinet with an indelible and eternal mark of infamy and dishonour."

Now mark these words—

"With an indelible and eternal mark of infamy and dishonour."

Now this is the language of the *Morning Herald*, your own organ. The article goes on thus:—

"To open the letters of a Member of Parliament—of a man entrusted by the people with the solemn charge of their interests—is clearly a high crime and misdemeanour against the constitution; it is a measure so violent and extreme that nothing short of an extreme case of danger or suspicion could possibly justify it."

There is the language of your own organ on this subject. It states that to open a letter of a Member of Parliament is a crime that brands the Government that could have recourse to it with infamy and dishonour. Now, my letters have been opened, and therefore, from that fact, and the sentiment of your own organ respecting it, you may draw what inference you please. But it is not only entitled to the epithets attached to it by the *Morning Herald*, but it is also a crime of a very grave nature. If we find that the letters of other individuals should not have been opened except under the authority of a warrant from the Secretary of State, it follows that it is not only a misdemeanour, but also a breach of privilege for the letters of Members of this House to be opened without the authority of such a warrant. There is a Resolution on the Journals of this House making it a high breach of privilege to open the letter of any Member of the House, or a letter addressed to any Member of the House, except under a warrant from the Secretary of State. I say that the existence of such a Resolution justifies me, if I had no other grounds for doing so, in putting the question to the right hon. Baronet, whether

my letters have been opened under a warrant from him, or not. If no such warrant have been issued, then other individuals have been guilty of a breach of privilege, whom I should require to be brought to the bar of the House. I will conclude my remarks with the concluding passage of the Report of the Committee. It was understood that the Committee were to give some opinion as to the expediency of continuing or abolishing this system of espionage. But have they done so? Not a bit of it. The best part of a page is taken up with an opinion on this point; and I defy any man to understand what the purport of it can be. There appears to have been nine Members on the Committee, and there appears in this passage nine different arguments—one, I suppose, being intended to represent the opinion of each Member of the Committee. The conclusion to which the Members would appear to have severally come are really most extraordinary, though what reference they bear to each other it is rather difficult to say. The Committee say—

"With regard to the utility of such warrants, for the detection of seditious conspiracies, or other practices endangering the public safety, or the discovery of the views entertained by those who engage in them, it would be unreasonable to deny that, in certain cases, this practice may have aided the Executive Government in various ways."

It appears from this that the Committee had thought it necessary to deny that which nobody had asserted, but probably somebody on the Committee had suggested the point, and then went on to give his reason in these words:—

"And, amongst others which are more obvious, by informing them of the real strength of the conspirators and extent of their combinations, and thus preventing the Ministers of the time from taking exaggerated views of the force arrayed against the State, and claiming extraordinary powers to meet apprehended danger."

So, Sir, we are to continue this system of letter opening merely in order to dispel the apprehensions of some timid Minister. But then another Member of the Committee gets up and says—

"Still, however, the argument derived from the smallness of the number of warrants as compared with the number of persons who may be supposed to entertain such criminal designs, is not to be lost sight of."

That was Number Three. Then Number Four gets up and says,

"While, on the other hand, it must be admitted that the number of those to whom this class of warrants would apply, as being the chosen leaders of multitudes, would not be very great."

On this, Number Five stands up, and continues the argument by saying—

"The warrants of this class have amounted, on the average, to little more than two a year, which would extend to little more than four persons. The greatest number of warrants of this description issued in any year within the present century, is about sixteen, extending in these cases to between forty or fifty persons. In addition to the argument derived from the smallness of the number affected, it must not be forgotten that, after the publicity given to the fact that the Secretary of State has occasionally recourse to the opening of letters as a means of defence in dangerous and difficult times, few who hereafter may engage in dangerous designs will venture to communicate their intentions by the medium of the post."

I say Number Five must have been a most sensible man.

"And the importance of retaining the power, as a measure of detective police, will consequently be greatly diminished."

Then comes Number Six, and says—

"The last argument, however, supposes, that there is no absolute certainty that a letter may not be intercepted; and it may appear to some that to leave it a mystery whether or no this power is ever exercised is the way best calculated to deter the evil-minded from applying the post to improper uses."

Then up starts Number Seven, and says—

"It must also be remembered that if such a power as this were formally abolished, the question would not be left quite in the same condition as though the power had never been exercised or disputed."

Next we have Number Eight giving us his opinion of what is to be particularly remembered. It is strange that every one of them should have prefaced his opinion with "It must not be forgotten," "Now you must remember," "It is not to be forgotten," or some term of that kind, to impress it the better on our recollection. Number Eight says—

"By withdrawing it, every criminal and conspirator against the public peace would be publicly assured that he should enjoy secure possession of the easiest, cheapest, and most unobserved channel of communication, and that the Secretary of State would not, under any circumstances, interfere with his correspondence."

Then gets up Number Nine to close this debate. He finishes this important argument with the sage remark, that—

"It must not be forgotten, however, that at present other rapid means of communicating their views are of easy access to the evil-intentioned, and that, as far as internal order is concerned, the same rapid means afford the Government unexampled facilities for suppressing tumult."

The Report concludes with these remarks:

"Under these circumstances, it will be for Parliament to consider whether they will determine upon any legislative regulation, or whether they will prefer leaving the power on its present footing, in point of law, in the hands of the Secretary of State, to be used, on his responsibility, in those cases of emergency in which, according to the best of his judgment, its exercise would be sanctioned by an enlightened public opinion, and would appear to be strongly called for by important public interests."

I think I have said enough to convince this branch of the Legislature that this power should be altogether abolished. I think there is no necessity for farther inquiry to induce us to come to that conclusion, or for any purpose, except to ascertain one or two facts—such as the opening of the letters addressed to the Albany, to which I have already referred. I have stated that there would appear to have been great difference of opinion in the Committee, but that, from the course taken, there had been no collision, as each Member would appear to have put forward his own views in the Report, as I have read them. That being so, it is hard to say what they may have intended to convey as the result of their inquiry. They say that it is for the Parliament to consider whether it will determine upon any legislative regulation, or whether it will prefer leaving the power on its present footing, in point of law, in the hands of the Secretary of State, to be used on his responsibility in those cases of emergency in which, according to the best of his judgment, its exercise would be sanctioned by an enlightened public opinion. But you must recollect, before coming to this latter decision, that when the Minister, or the Secretary of State for the Home Department, is called upon for his authority for exercising this power, he says that he did it on his own responsibility, and without any other authority whatever. Are you to bring enlightened public opinion to bear on this power so exercised? I say, we ought to have a Committee to settle whether it is the opinion of this House that such an authority should be continued. Out of doors, there can be no

question as to the general feeling on the matter. It is, I repeat, necessary to have a Committee to report specially on this point; and the necessity is the stronger, because in the House of Lords the First Lord of the Admiralty stated, on the 25th of June, that it was a power which existed at all times, and one which must always exist in any country that has any government at all. There is the opinion of Lord Haddington, the First Lord of the Admiralty, on the subject. He declares it to be his conviction, that we can have no government at all without the exercise of that odious power—that there could be no government in England unless that government were allowed the power to commit forgery and fraud at its discretion. I say, no honest government requires this power. I say, the safety of England depends on no such protection—on no such iniquitous means as this. But I do maintain that the honour of England, and the honour of Englishmen, require its total and its immediate abolition. It is, Sir, with these views that I now, after having trespassed much longer than I intended on the indulgence of the House, beg leave to move—

“That a Select Committee be appointed to inquire into the mode in which letters have been detained, opened, and re-sealed, at the General or at any Provincial Post Office; and also into the circumstances under which every Warrant for that purpose has been issued by any Secretary of State, from the 1st day of January, 1840, to the present time; the said Committee to report their opinion thereon to the House, and also whether it is expedient that the practice should be continued.”

Sir J. Graham rose and said: I rise, Sir, under great disadvantage to follow the hon. Member who has just sat down, and to address the House upon the question before it; for although in my own judgment and conscience I feel a strong conviction that I have done nothing in the execution of my public duty of which any public servant or gentleman can be ashamed, yet the topic now under discussion is one for which I feel that in the mind of the British public there is naturally existing a strong prejudice against the public servant who has to discharge this particular function; and also I am aware that I am addressing a body of gentlemen of the United Kingdom in whose bosoms there must be a feeling which, in their generous nature, makes the execution of this duty repulsive to them, which, as a

public servant, I am compelled to perform. I feel, therefore, Sir, all the disadvantages of my present position. The hon. Gentleman, too, has had the advantage of that prejudice to which I have adverted, and he has not been very sparing in the use of it. Passing from that, I shall, however, at once dispassionately, but respectfully address myself to the various topics to which the hon. Member has alluded; and I will follow him as far as my memory serves me throughout the whole course of his speech. I entirely deny that any effort whatever was made by the Government to suppress inquiry on this subject in the first instance. On the contrary, when the matter was first mooted, I stated what I then thought, and what I still think, that it was not for the public good, nor consistent with my public duty, that here, in this Assembly, I should enter into a discussion of the precise mode in which, exercising the duties of my office, and bound by an oath to my Sovereign, I had consulted, what appeared to me to be the public interest; but I stated frankly, at the same time, that if it were the pleasure of this House to institute an inquiry, and if it were the pleasure of my Sovereign to release me from the oath of office which bound me to secrecy, I was willing to make the most ample and full disclosure of every circumstance connected with the cases which the right hon. Gentleman brought under the notice of the House. I made that unreserved statement to the House, and, after full debate, and ample deliberation on the subject, the House selected, in its wisdom, a Secret Committee as the proper tribunal before which the inquiry should be made. The hon. Gentleman, towards the close of his speech, had thought fit, by allusions, and by analysing the latter part of the Report, to turn the labours of the Committee into ridicule. I think, therefore, that it is right, under these circumstances, to call to the recollection of the House and of the country the manner in which that Committee was formed. I do not think it would be possible, even on a review at the present moment, of the names of the Members of that House, to find any nine Gentlemen who are more entitled to the confidence of Parliament and of the country than the Gentlemen who were selected to serve on that Committee. The House will pardon me for saying—after the speech which it has just heard—that the question was one not altogether unconnected with party.

In fact, there was not only a great deal of party feeling displayed in the manner in which the question was brought before the House; but I shall, perhaps, be justified in adding that there was also something amounting to personal hostility in the spirit by which it was conducted. And yet, on the part of the Government, I did not hesitate for a moment, in nominating that Committee, to consent that a decided majority of the Members on it should be my political opponents. As a further confirmation on this point, I trust the House will allow me to read the names of the nine Gentlemen who were selected on that occasion. They were Lord Sandon, Mr. Wilson Patten, Mr. Thomas Baring, Sir William Heathcote, Sir Charles Lemon, Mr. Warburton, Mr. Strutt, The O'Connor Don, and Mr. Ord. Now, the Committee, so constituted, after being deliberately appointed by the House, proceeded to investigate the entire subject; which is now brought under discussion, for the second time, by the hon. Gentleman. Sir, I stated originally, that if such a Committee were appointed, the entire circumstances, so far as my knowledge went, should be laid fully and fairly before them. I think I see at this moment at least a majority of that Committee present in the House; and I pledge in their presence my honour in my place in Parliament, that every minute detail, without exception, and without reservation, which came within my knowledge, was laid before that Committee—not extorted from me in the course of my examination, but voluntarily tendered. There was no difficulty in procuring all the evidence from me which I could supply; and I voluntarily stated before the Committee all the information, without reserve, that I possessed on the subject. There is not any one subject brought under discussion this night by the hon. Gentleman, which did not form part of the matter of my evidence before that Committee. I repeat I kept back nothing. If my conduct with respect to this accusation were such as to affix a disgrace upon me, that conduct was brought fully before the Committee, and was passed under their review; and if, under those circumstances, I am acquitted by a Committee, composed of the Gentlemen whom I have already named, of “baseness” and “meanness,” I had at least the courage before them to make a full disclosure of the whole of my conduct. Charges are easily made in this House of want of courage, of “meanness

and baseness”—whether official or otherwise; and if it be considered by the House to be consistent with its dignity to have such charges bandied about, they are to me matters of comparative indifference. My conduct, as I have already observed, has been submitted to the judgment of the nine Gentlemen whom I have mentioned. The hon. Gentleman, with an alleged perfect knowledge of the facts—obtained I know not how—insists on charging me with disgraceful conduct—with baseness and meanness; but I have been acquitted as a Gentleman and a Minister of the Crown, by the nine Gentlemen I have named; and I care not one rush what the opinion of that hon. Member may be on the subject. The hon. Gentleman stated that the Report of that Committee is unsatisfactory and evasive. It is not my duty to defend that Report; but this I will say, that there were on that Committee some of the most experienced, and most honourable men in this House; and I am quite persuaded that it was not their intention to keep back or suppress any portion of the subject matter submitted to them for inquiry. They are all Gentlemen utterly incapable of wilfully deluding the House. I believe they investigated the matter with care; and I am satisfied that they have detailed to the House the exact impression which the result of their inquiry made upon them. In the first place, the hon. Gentleman charged them with disobedience to the orders of the House; and he evinced as a proof of that disobedience, the circumstance that they did not appear, from the particular expression used, to have traced the warrant from its issue to its withdrawal; because in their Report they have not gone into that minute detail, the hon. Gentleman contended that they had disobeyed the orders of the House. I remember the entire of the evidence that I gave before the Committee, and I am satisfied that everything relating to my office, as far as the issue of the warrant is concerned, and the events that have taken place in consequence of that issue, have been all carefully investigated by them. But the House should recollect that every statement which I made before the Committee was contrasted with the evidence given by Officers from other Departments; and if any inaccuracy exists in the former, it must necessarily have been at variance with the statements of the other witnesses. The Committee had, besides, the advantage at the time of cross-examination, and of other

testimony from a great variety of quarters. I was fully examined with respect to every circumstance connected with the issue of the warrants; and I stated fully all I knew of the matter. I know not what evidence was given by other witnesses before the Committee; but this I can state—that the Postmaster General, and all the officers of the Post Office were carefully examined. So much for the allegation of the hon. Gentleman that the orders of the House had not been attended to by the Committee. But the hon. Gentleman said I have been guilty of an excess of authority, in using the power vested in the Secretary of State too frequently and vexatiously. I conceive that this portion of the charge of the hon. Gentleman was amongst the most important matters submitted for the judgment of the Committee; and I am bound to suppose that the House which constituted that tribunal, reposes confidence in the decision to which it arrived. I cannot submit, therefore, to any authority other than the recorded judgment, on this point, of the tribunal appointed by the House; and will the House permit me to read to them very shortly the judgment of the Committee on this very point of the excess of authority—the undue exercise of authority vested in me by law, and the comparative frequency of its exercise? The hon. Gentleman will find at page 15 of the Commons' Report, that the Committee came to the following conclusion:—

“The general conclusion which the Committee draw from the Returns before abstracted is, that in equal intervals of time, these warrants have been issued in nearly equal number, by the several Administrations which have been in power from the commencement of 1799 until now. For although in certain years, in consequence of internal commotion, it happened that the number of warrants, issued by certain Secretaries of State, was unusually great, yet in other years, if they continued sufficiently long in office, the number of warrants they issued for similar purposes proved to be unusually small; so that the annual average of all the warrants they issued, during the whole period of their continuance in office, did not rise materially above the general annual mean.”

Then again, at page 19, with respect to warrants which I would not term of a criminal but of a political character, the Committee say:—

“The warrants of this class have amounted on the average to little more than two a year, which would extend to little more than four

persons. The greatest number of warrants of this description issued in any year within the present century is about sixteen, extending in these cases to between forty and fifty persons.”

Now, Sir, I have referred hitherto to the Report of the Committee of the House of Commons; but the House must remember that a Committee on this subject was also appointed by the House of Lords. I think that here, where the honour of Members is so highly esteemed by the House itself, the declaration of a Member in his place has ever been held equivalent to his oath. It would be almost inconsistent with our privileges to consider the sanction of an oath which is administered by the Committees of the other House of Parliament more binding than such declaration; but, certainly, the fact is, that witnesses examined in the other House of Parliament are examined on oath. Before the Committee in the other House I underwent an examination on oath as searching as that before the Commons. All the facilities of contradiction to which I have already adverted by the calling of other witnesses, applied equally to the investigation before the Lords. I have read you the names of the persons composing the Committee in the Commons. In the Lords, also, as here, by the advised act of the Government, a majority of their political opponents was put upon the Committee of Inquiry. In the Committee of the Commons, there was, it is said, no eminent lawyer, no person conversant with the examination of witnesses, no person apt at the exhibition of that torture of cross-examination by which the truth, in the tribunals of this country, is elicited with greater certainty than in any other tribunals in the world. In the other House was that the fact? Was there no experienced and eminent lawyer on the Committee? It so happens that upon that Committee sat two of the most distinguished lawyers now living in this country, both of whom have held the Great Seal, and have been at the head of the profession of the law. There was Lord Cottenham, late Lord Chancellor; there was Lord Brougham, who also held the Great Seal; Lord Auckland, Lord Colchester, the Bishop of London, and Lord Somers, with Lord Colborne in the chair. That was the composition of the Committee of the Lords; and they went into the case fully, and examined all the witnesses on oath; and now, on the question whether there has been excess of the exercise of the

power entrusted to the Secretary of State in any Department, hear the judgment of the Lords' Committee. They say:—

"We are bound, in conclusion, to state, that having looked back into the practice under several Secretaries of State during successive Administrations, for more than twenty years, we have found that the practice has been nearly uniform, and that the power has been very sparingly exercised, and never from party or personal motives."

Sir, that gives a negative to the charge of baseness and meanness. The Committee proceed:—

"In every case we have investigated, the exercise of it seems to have been directed by an earnest and faithful desire to adopt the course which appeared to be necessary to promote the ends of public justice, or to prevent disturbance of public tranquillity, or otherwise to promote the best interests of the country."

That was the Report of the Committee of the House of Lords as to this part of the subject. Now, Sir, the hon. Gentleman thought proper to advert to a paragraph in a newspaper, to the effect that "the Secret Office," as he terms it, at the Post Office, had been recently suppressed at the Home Office; but notwithstanding the accuracy of the knowledge which the hon. Gentleman has upon these matters, he has fallen into some errors here. He appears to think that apart from the Foreign Office, there is some secret office at the Post Office independent of that establishment, and connected with the Home Office. At page 17 of the Report, the Committee of the House of Commons state, with respect to the Department in question,—

"This Establishment is connected with the Department of the Secretary of State for Foreign Affairs; it is conducted by officers paid and appointed by him, from whom alone they receive their orders, and to whom alone they are responsible."

The passage relating to this subject in the Report of the Lords' Committee was, I think, quoted by the hon. Gentleman, and is the concluding passage of their Report; under these circumstances I have no difficulty in stating to the House, that this establishment has existed in connexion with the Foreign Department for more than a century. Its existence is no new intelligence to this House; it was under the solemn consideration of a Committee of the House of Commons in 1742; in the time of Sir R. Walpole, that Committee reported to the House, fully detailing the

existence of the establishment. They gave the names of the persons then employed in the establishment, and they entered generally into the fullest and most comprehensive details; yet this House, notwithstanding, took no measures to express their disapprobation of the existence of such an establishment; and I repeat, that above a century ago this establishment, under the direction of the Foreign Office, did exist in connexion with the Post Office. I shall not enter into the historical researches contained in the Report of your Committee; but the hon. Gentleman will see there, that the greatest constitutional authorities, when Secretaries of State, have taken part in the transactions there detailed. Sir, I can also state to the House that this establishment for several years did exist, not under the same roof with the Post Office; and I now state that, not by an order of the Home Office, but of the Department with which it is immediately connected, this establishment has been again withdrawn from the Post Office, and is no longer in use. So much for that Department. The next accusation of the hon. Gentleman was with reference to the case of Mr. Mazzini; and he thought it consistent with his public duty to declare his belief that the warrant authorising the opening of Mr. Mazzini's letters, which had been presented before the Committees of both Houses of Parliament, was fabricated for the occasion. This harsh construction (a construction which I fear the hon. Gentleman is disposed to put on every act of mine) was founded by him on certain terms used in the Lords' Report, which he declared were inconsistent with the date of the warrant, as presented to both Committees. The Report states,—

"It is true that Mr. Mazzini's letters were stopped and opened for about four months, under the warrant of the Secretary of State for the Home Department."

From the evidence before the Committee of the House of Commons, it appears that the warrant was issued on the 1st of March, and withdrawn on the 3rd of June; and if the hon. Gentleman insists on a strict construction of the language used in the Lords' Report, there is an apparent discrepancy. But I can solemnly assert that the warrant was issued on the 1st of March, and was withdrawn on the 3rd of June; and that the original warrant, if I mistake not—for I have not the means of knowing—was produced be-

fore their Lordships' Committee, as well as before the Committee of this House. Now, Sir, though this power has been exercised by Statute for a long period, and has been given to successive Secretaries of State from the reign of Queen Anne, and has been continued by several statutes, altering, amending, or consolidating the Laws relating to the Post Office, until the present time; yet I would recall the attention of the House to that portion of the Report of the Committee where they state the fact of the new checks on the exercise of this power which have been introduced. Since the year 1822 all the original warrants have been kept as records of the Post Office—all have been so kept; but it was in 1806, when the late Lord Spencer was Secretary of State for the Home Department, that a regulation was made imposing the most material check upon the issue of these warrants. In consequence of that regulation it is not possible for the Secretary for the Home Department, unknown to other persons, to issue a warrant. By the regulations of the Home Office, both the Under-Secretaries of State are cognizant of the issue of these warrants. A confidential clerk, to whom is confided the drawing up of these warrants, is also necessarily cognizant of their issuing. Three persons must, therefore, be aware of the whole of the proceedings, as well as the Secretary of State. So much for the fabrication of the warrant in Mr. Mazzini's case, and the assignment of a false date to it. If my assertion receive no credit, at least it is manifestly impossible that I could have done so base an act without both the Under-Secretaries of State being cognizant of it, as well as the clerk, who is a gentleman in every sense of the word, and as incapable of a base or false transaction as any hon. Gentleman I now address. I now pass on to the accusation which the hon. Gentleman, also, no doubt, in discharge of what he felt to be his public duty, has thought fit to bring against my noble Colleague. Sir, the hon. Gentleman has thought fit to cast an imputation on the honour and truth of my noble Friend the Earl of Aberdeen. That accusation, I must say, was made in round terms, and certainly in the most harsh and offensive manner; but when we heard the grounds of the assertion, the imputation appeared to me altogether baseless. The assertion to which I allude was this—that the declaration made by Lord Aber-

deen, in his place in the House of Lords, was at variance with the Report of the Committees of the two Houses with regard to a most important fact; namely, whether Mr. Mazzini's correspondence, which had been intercepted, was communicated to a Foreign Government? Lord Aberdeen, in his place in Parliament, gave the most solemn denial to the assertion that such communication had been made. Hear what the Committee of the House of Commons say on this point in their Report:—

“Such information deduced from those letters as appeared to the British Government calculated to frustrate this attempt, was communicated to a Foreign Power; but the information so communicated was not of a nature to compromise, and did not compromise, the safety of any individual within the reach of that Foreign Power; nor was it made known to that Power by what means or from what source that information had been obtained.”

Then, what was the statement of the Committee of the House of Lords on the same subject?—

“Certain parts of the information thus obtained were communicated to a Foreign Government, in so far as such a communication appeared to be warranted, but without the names or details that might expose any individual then residing in the foreign country to which the information was transmitted to danger.”

That was the opinion of Lord Cottenham upon the whole transaction fully developed. [Mr. T. Duncombe here made an observation across the Table which was inaudible in the gallery.] The hon. Gentleman (Mr. T. Duncombe) says, he does not know that. But does he deny the accuracy of this Report? He himself quoted the Lords' Report, and I claim a right to be allowed also to quote it, when the honour of a noble individual—a Peer of Parliament—is assailed, after his truth and honour have been vindicated by the decision of a Committee of his Peers, a majority of whom were his political opponents. But I will pass from this subject. I cannot think the House will be of opinion there is any reason to suppose that my noble Friend the Secretary of State for Foreign Affairs would deliberately, in his place in Parliament, have made a declaration inconsistent with truth, when that statement was to be tested by an examination before Committees of the two Houses of Parliament. Now, Sir, I may perhaps be permitted to express an opinion which

I strongly entertain with reference to this odious, invidious, and obnoxious power vested in the Secretary of State. I may be permitted to say that, for domestic purposes, it is generally inoperative, and that the exercise of it is open to many grave objections. It is only to be defended upon the ground of the necessity for its exercise. But, with reference to our foreign relations, this power must be defended on different grounds. The House must remember—and I make the statement advisedly—that this is the only country in Europe in which, whatever danger may be apprehended to the public interests from the presence of a foreigner, the Executive Government has no power vested in it by law of averting such danger by removing the individual who thus abuses our hospitality. The facts of the case to which the hon. Member for Finsbury has referred are stated pretty fully at page 14 of the Report of the Commons' Committee. It certainly was believed by the Government of this country—it is still believed by me—that, at that particular juncture, a conspiracy had been formed with the design of making a descent upon the coast of Italy, for the purpose of exciting internal disturbance in that country; that the danger was not imaginary, but real; that the conspiracy was formidable; and that if the design had been carried into successful execution, the peace of Italy would have been disturbed,—and, as I believe, the peace of Europe could not under those circumstances have been preserved,—and if war had ensued, England could not have remained a spectator of the conflict. It certainly did appear to me, with reference to that particular transaction, that great public interests were at stake. But it is asserted, that a descent on the coast of Calabria being contemplated, an unfair use was made by the Executive Government of this country of the information they obtained, and that a trap was laid for the conspirators, who it is alleged, were in communication with Mr. Mazzini with this country. Now, I entirely deny the statement upon which this assumption is made. The hon. Member for Finsbury when he made this statement, asserted—even with greater harshness than characterised other portions of his speech—that the blood which was unhappily shed on the melancholy occasion to which I refer must be held to remain on the heads of the Government of this country. I deny, in the most solemn manner, that

any trap was laid for the individuals in question. In the first place, a descent on the coast of Calabria was not expected. The conspirators in question concocted their plans at Corfu, and sailed from thence. It is not true that the point of their destination was believed to be the coast of Calabria. No information whatever had been given by the British Government to the Neapolitan Government on the subject. So far from the Neapolitan Government having prepared troops for the reception of the persons who, it is alleged, were led into a trap, they landed without meeting any troops. They were opposed, not by troops, but by the *guardo urbano*, a force similar to the *posse comitatus* in this country, a body imperfectly armed; and it was not till after the lapse of a considerable time, when troops had been despatched by steam boat, that the insurgents, who had suddenly landed on the coast, came in contact with the forces of the Neapolitan Government. It must also be observed that—if I am not misinformed—only one of the persons who had so landed was a Neapolitan; all the other parties came from the northern parts of Italy, and had no connexion whatever with Naples. I certainly can state with confidence that all the information received through the Post Office was transmitted unread to the Secretary of State for Foreign Affairs; and I repeat the solemn assertion of that noble Lord, that he never transmitted to any Foreign Minister any original document, or any copy of a document, but that he only communicated the substance of the information he obtained, suppressing names. We have frankly avowed what was done; we did it with perhaps a mistaken, but certainly honest, desire to avert public danger. We did believe that the peace of Europe was compromised by the intended insurrection in Italy; we thought it our duty to endeavour to defeat that movement, with the view of preserving the peace, not of Europe only, but of this country, as connected with Europe. My noble Friend (Lord Aberdeen) endeavoured to effect this object by communicating such information to a Foreign Power as he thought would have the effect of checking the movement. I am satisfied, from the assertions of my noble Friend, that he imparted to that Power nothing which could compromise the individuals who, unhappily, have since paid the forfeit of their lives for their unsuccessful effort to effect an insurrection in Italy.

I am convinced that he imparted no information which could have endangered the lives of those individuals, or lulled them into a false security. The hon. Member for Finsbury has mentioned the name of a Pole, Mr. Grodicki, whose case is referred to in the Commons' Report, and the hon. Gentleman seemed to intimate that the Government of this country had given information to Foreign Powers, with reference to the movements of Poles generally, and that such information had compromised the safety of many innocent persons, even women, residing in Poland. The case of Mr. Grodicki, as I have stated, is mentioned in the Report, where the circumstances of the transaction are most accurately described. A warrant was issued against him on the 3rd of June, 1844, which was cancelled on the 13th of the same month. I am bound to state, on my responsibility, that I issued that warrant under circumstances which, were they again to occur, would lead me to adopt a similar course. The hon. Member for Finsbury has alluded to a casual expression in the Report, which induced him to suppose that warrants have been issued to stop letters in particular handwritings. I can assure the hon. Gentleman (and in support of the assertion I will appeal to the Members of the Committee, who received ample evidence on the subject—who have seen the form of the warrant—and who have, I believe, had an opportunity of inspecting every warrant issued within the last twenty years) that no warrant of that general description has been issued. I have myself never issued any warrant of this nature in which the name of the party to whose letters it referred was not set forth. I can assert that on no one occasion have I issued anything approaching to a general warrant, or in which the name of the party was not distinctly and pointedly stated. Now, I think I may with propriety drop for the present the discussion of this most painful subject. With regard to one branch connected with the exercise of this particular function—namely, that in connexion with the Foreign Department, I have already stated that it was withdrawn from the Post Office some time since. As to the statuteable power vested in the Secretary of State, I do not believe that any further inquiry that can be instituted can elicit more ample information than was obtained during the investigation recently conducted under the solemn sanction of this House. The real practical question

is this,—Will you revoke the power which has been given by statute to the Secretary of State ever since the reign of Queen Anne? You cannot require further information on the subject; everything inquiry can give is now before you. If you should be of opinion that, upon the whole, this invidious power is not necessary for the public safety, then the proper course will be either to revoke the power, by repealing the statute,—or, if you should consider that further safeguards are necessary with regard to its exercise, without repealing the statute, it is your duty to impose the necessary checks. But, if you think, on the whole, it is for the public advantage that this power should be retained, then I say it is impossible for any Member of this House, holding the office I have now the honour to fill, to exercise, faithfully, fearlessly, honestly and advantageously to the public, the power intrusted to him by his Sovereign through the confidence of this House (for if the confidence of this House be withdrawn, no Sovereign can retain a Secretary of State for a single day), if he is to be called upon, in his place in Parliament, publicly to declare the reasons and circumstances which have led him to exercise one of the most invidious discretionary powers that can be intrusted to any individual.

Mr. *Sheil*: My observations shall be very short, and I hope very temperate. The right hon. Baronet has unequivocally admitted that the letters addressed to Mr. Mazzini were opened, and that the substance of the information derived from those letters was communicated to a Foreign Power. "The substance of the information," the Report says; and the statement of the right hon. Baronet is more than confirmatory of that Report. The right hon. Gentleman justifies that proceeding. This is not the time to consider whether that proceeding was just or not; for this question is not raised by the present Motion. My hon. Friend (Mr. T. Duncombe) will have the opportunity of raising this question by bringing the subject before the House and the country on another and a more appropriate occasion. But there stands the broad fact—that letters of Mr. Mazzini were opened; that they were regularly conveyed to him after being opened, is, I believe, not denied; nor is it questioned that Mr. Mazzini was himself unaware that his correspondence had been disclosed. The right hon. Baronet says, that no trap had been laid; but it might

have been as well to have informed Mr. Mazzini that his letters had been opened. The decoy, if I may use such a term, not adopted by the right hon. Baronet, but by the Post Office, was continued; and the substance of the information obtained from Mr. Mazzini's letters was communicated to a Foreign Power. The Committee state, that "the facts of the case so far as your Committee feel themselves at liberty to disclose them, appear to be as follows." It appears, then, that there were facts that the Committee did not think themselves at liberty to disclose: I do not mean to say that the Committee of Secrecy appointed under such peculiar circumstances were not justified in using such a discretion; but it is clear that all the facts they ascertained are not disclosed,—that though there has been a *suggestio falsi*, a *suppressio veri* is admitted. It is remarkable that this passage occurs in the Report of the Commons' Committee—

"The Committee think it may be desirable for them to make known that the above three warrants are the only warrants to open the letters of foreigners which the present Government has issued."

That question was not referred to them; but the Committee gratuitously state that these three were the only instances in which the present Government exercised this power with regard to foreigners. With respect to the letters of foreigners opened by other Governments, I have nothing to say. I pass to what I think is still more material. The Committee mention the names of persons who are not now living, in reference to whose letters warrants were issued; and they then proceed to state that they will not mention the names of any living individuals, with certain exceptions. The Report proceeds,—

"Your Committee would have abstained from giving particular information concerning any warrant, and from naming a single individual whose letters have been directed to be opened: but for the notice which has been taken of the mode of executing certain warrants, and the mention which has been made of the names of the parties included in certain others, these being the circumstances which have mainly led to the inquiry which your Committee has been appointed to conduct."

They then proceeded to mention the names of two Poles, and of Mr. Mazzini. Now, I want to know why there is nothing said about the letters addressed to the hon. Member for Finsbury, if the Committee have adhered practically to the

rule which they themselves laid down? The names of the two Poles were mentioned, the name of Mr. Mazzini was mentioned; were those the only names specified in the House of Commons? The Member for Finsbury, the Representative of a great section of this metropolis, got up and stated in the House of Commons that his privileges as a Member of Parliament had been violated, and that his letters had been opened. There was a statement as distinct and as specific as that which was made with respect to Mr. Mazzini. His name was mentioned. Why have the Committee said nothing about that name? The statement was repeated before the Committee, from which Mr. Duncombe was excluded, who brought the charge. Mr. Duncombe offered to appear before the Committee to conduct his case, and to prove his accusation. The Committee refused to allow him to conduct his case, and I believe to hear him. Under these circumstances, it is a matter I think of legitimate curiosity, to know what is the justification on the part of the Committee for omitting all mention of Mr. Duncombe. How stands the fact? When the right hon. Gentleman, the Secretary of State for the Home Department, was first interrogated upon the subject, he refused to give any answer. He sheltered himself behind his official privileges. When the public clamour was raised, the right hon. Baronet at the head of the Government, who observed—who felt the beating of the public pulse, wisely came down to the House and said, that a Committee should be conceded, which was at first withheld. A Committee was granted—a great fact—the fact of all others the most important—the opening of the letters of a Member of Parliament, has not been reported on by that Committee. The charge was made. Now, I ask the question,—tell me, you who answer with regard to Mr. Mazzini—tell me, you who answer with respect to the Poles—tell me, whether you opened the letters of Mr. Duncombe?

Viscount Sandon said, that having been speaking to an hon. Gentleman behind him when the right hon. Gentleman opposite closed his address, he had not heard the question. Perhaps the right hon. Gentleman would repeat it.

Mr. *Sheil*: It was not of the noble Lord I asked the question, but of the Secretary of State. I repeat the interrogatory.

Viscount Sandon said, that as the Secretary of State appealed to did not apparently

deem it consistent with his public duty to answer the question, it became his duty, having had the misfortune, he might call it, of presiding over the Committee in question, to make some observations. He might remark that the Members of the Committee who were there, as it seemed, on their defence, were put in a position of peculiar embarrassment, being exposed to every kind of attack; and, from the nature of the case, being deprived of almost every means of defence. The House had thought proper to make the Committee a secret one. In doing so, it intimated that there was something in the nature of the subject which might make it advisable that some portions of the matter brought before it should not be made known. From the course adopted on the other side of the House, the Members of the Committee were placed in the embarrassing alternative of possibly leaving an unfavourable impression on the mind of the country and of the House, or of being guilty of a breach of that duty which had been entrusted to them. Under such circumstances, they could only rely upon their characters, and do their duty. If the House thought it had done right in referring the question to a Secret Committee, so long as the decision of the House on that point was unrecalled, so long would the Members of the Committee feel it their duty not to say more on the subject than the pages of their Report contained. They would not gratify the prurient curiosity of individuals by giving more of each case than they had felt it their duty to report; they had drawn up a faithful and unbiassed statement of the general nature of the transactions, and supplied ample materials for the House to form an opinion on the subject of the extraordinary power in question. The hon. Gentleman asked whether his letters had been opened among others. If the Committee answered the question, every Gentleman in the House might get up, one after the other, and put the Committee through the same examination. As to the amount of information laid before the Committee, he believed he spoke the opinion of all its Members in saying that it was most complete, full, and unreserved. The authorities, high and low, had given every information on the various parts of the subject, and supplied the means of checking their assertions by reference to documents. Nothing further in the way of information could be supplied. This country had ever exhibited peculiar sympathy with the oppressed—had always afforded a refuge to

political refugees of every description—and the circumstances connected with the subject of Mr. Mazzini, and with the insurrection which had taken place, naturally excited this public sympathy in a peculiar degree. He could fairly say, with reference to that point, that the Committee had the best means of knowing that the information given to a Foreign Power had not led to the disastrous consequences ascribed to it; that every care had been taken that no man should be compromised. As to the alleged contradiction between Lord Aberdeen's statement and the Report of the Committee, he could perceive no such contradiction. There was every reason to believe that the conspiracies afloat at the time menaced great danger, not only to Italy, but to all Europe; and precautions were accordingly taken, which, while they were designed to frustrate those conspiracies, involved the lives of none of the parties; no names being given, and no facts which could identify individuals within the power of the Foreign State communicated with. Lord Aberdeen had asserted that no part of the letters of Mr. Mazzini had been communicated; and this was most accurately the fact. The hon. Gentleman had drawn a moving picture of the danger to which, he said, a number of Poles had been subjected by similar information given to another Foreign Power; but he might, without breach of confidence, reassure those individuals, by informing them that no communication whatever, either as to the names of their correspondents, or the contents of their letters, had been communicated to any Foreign Power. The hon. Member for Finsbury had exercised a great deal of that talent for ridicule which he possessed, in describing the Report of the Committee; and the hon. Member had, perhaps not without some reason, applied it particularly to the last page of the Report. No doubt that page was composed of a statement, alternately, of the different views that might be taken of the question, and of the different grounds for such opinions. The Committee had done this advisedly; thinking it better rather to furnish the House with the best means of forming an opinion on a question of general policy, than to record an opinion of their own. The investigation had been full and perfect—the evidence had been such as to obviate any difficulty in coming to a conclusion—and if the House had, last year, thought the nature of the subject such as to require a secret investigation, in preference to a public investigation, it would be for it to

consider whether anything had happened since to induce them to come to a different opinion. If the House were not satisfied with that which had already taken place with reference to this matter—if hon. Members were of opinion that another course ought to be taken now—if the House resolved to gratify its curiosity—the Members of the Committee, of course, could not prevent them; but if all they desired was the result of a full and perfect investigation into all the circumstances connected with the issuing of those warrants, and of every practice which had been adopted with reference to the exercise of so important a function as that in question, they might safely rely on the Report which the Committee had made. The Committee had come to an unanimous opinion; and, he should repeat it, they had no difficulty in coming to that conclusion, whatever differences or shades of opinion might exist as to the expediency of the course which may have been pursued in particular cases by successive Ministers. On that point, of course, as on any other point of executive discretion, looking back, men would come to different conclusions: As to the honesty of the intention, there had been no difference of opinion. The investigation had been full and ample; and the Committee had seen nothing to lead them to believe that the exercise of this most important function had been caused by any private feeling; that either private or party malice, or any feeling other than that of the due and proper discharge of an important public duty, had any influence in causing the issue of those warrants. The Committee had, after a full deliberation, come to an unanimous verdict, which they had stated to the House; and if the House wished to be put in possession of all the grounds upon which that decision was grounded, it might, of course, take steps towards effecting such an object. The course was open to the House of appointing a new Committee, and again to have all the witnesses examined. The House might thus better satisfy itself perhaps; but if the examination of those witnesses were made public, the Committee believed that, so far as any public object was concerned, it would not be advanced by such a course. The Committee had given their opinion as to the past, after a full investigation of the evidence; but whether the power of issuing those warrants, by the Secretary of State, ought to be retained or not, was altogether another question—one on which he reserved

his own opinion—on which the Committee had expressed none; but on which he hoped they had furnished the House with ample materials for coming to a sound conclusion.

Sir *J. Graham* said: Perhaps the House will permit me again to address it for one moment, as I should be extremely unwilling to treat with disrespect the question of the right hon. Gentleman, which he put to me in so pointed a manner. I should before have replied to it, but I thought it better to wait till my noble Friend the Member for Liverpool had addressed the House, as my noble Friend filled the office of Chairman of the Secret Committee. The House will recollect that in the last Session of Parliament, when this subject was first brought forward, I said that I did not think it would be consistent with my duty to answer the questions which were put to me with respect to the warrants that had been issued; but that I said I was perfectly willing that the House should appoint a tribunal to investigate the matter elsewhere; and I added that if Her Majesty would give me Her gracious permission, I would give to such a tribunal every information that I possessed upon the subject. It was the pleasure of the House to appoint a Secret Committee. As I said before, that Committee was so constituted that the majority were politically my opponents; but I repeat that there was not one atom of the power which I exercised, and for which I am responsible, that I did not fully and in detail lay before that Committee. Now I must adhere to the line which, on reflection, I laid down for myself last Session, and I cannot consistently with my duty answer the question which has been put to me. The hon. Member's name has not been alluded to by the Committee in their Report. In the case of Mazzini and the other Poles, the House will see that there was this difference, viz.,—that they were mentioned in the Report; and therefore without any departure from my sense of duty I thought myself perfectly at liberty to discuss the question of the warrant which was issued against them. If it had been the pleasure of the Committee to have brought before Parliament and the country any other warrant, I repeat that with equal firmness I should have been prepared to vindicate the issue of that warrant, as I have done in the case of Mazzini and Grodicki.

Mr. *Hume* said, that nothing could, in his opinion, be fairer than the statement of

the right hon. Baronet; and he thought that they could not blame the right hon. Gentleman for refusing to answer the question that had been put to him when he had stated that the hon. Member for Kendal (Mr. Warburton) had admitted that the right hon. Baronet had given to the Secret Committee the fullest information. Having the information, the Committee exercised their own discretion as to what part of it they would publish; and as they had deemed it to be their duty not to publish that information entire, what was the House to do? When the Committee was appointed, he told them that the transaction had taken so strong a hold upon the public mind, that they might appoint a Secret Committee if they pleased, but that such a Committee would not in the least satisfy the public. And he repeated that now. The Secret Committee, however, having been appointed, the right hon. Baronet should not say that the House appointed it, and not himself; for the right hon. Baronet was the first to suggest a Secret Committee. The right hon. Baronet must excuse him from believing he could have read the Report of the Committee without seeing that there were no grounds in it upon which any individual could form an opinion. It was utterly impossible. The noble Lord the Chairman of the Committee, indeed, admitted that it was so drawn up—black and white, and white and black—that no opinion could be formed upon it. But, let it be easy or otherwise to form an opinion from it, what was the duty of the House in the matter? He put that question to the right hon. Baronet. He would pledge his existence that there was no man in the House, no matter to what party he belonged, who, if he had seen these proceedings on the part of Government, would have sanctioned them; and the point he (Mr. Hume) had stated upon the first mention of the case was, not that he doubted letters had been opened connected with the internal safety of the country, but that he never believed, until the right hon. Baronet himself admitted it, that the Secretary of State for the Home Department of this country was to become a police officer for Foreign Powers. These were the words he then used; and if he expressed himself strongly on that occasion, it was because he regretted to find the first Minister of the first country in the world so demeaning himself, and forgetting his dignified station and the honour of the country, as to lend himself to that pro-

ceeding. Let him also tell the right hon. Baronet that this was not his opinion alone, but it was the general impression; and in the opportunities he had had of hearing the popular opinion, even to the extremity of Scotland, he found that no question had ever occupied the public mind more thoroughly. Through all grades he had not found one to defend, but all to condemn, the right hon. Baronet. And, knowing the impression abroad in the country, after the powerful exposition of his hon. Friend the Member for Finsbury, and after the charge he had made in that House of his own correspondence having been violated, he asked whether the right hon. Baronet at the head of the Government would venture to deny it? This was no party question. It was a question in which the honour of the Members of that House, and the honour of the country also, was deeply concerned. It was the truth that was wanted; and he would remind the right hon. Baronet, that even all the support he could command was insufficient to stifle inquiry, and that, after what had been revealed, not one fact in which had been contradicted, it was utterly impossible the matter could rest where it was. He besought hon. Members to consider their own character. He would not go to the length of saying that the powers given to Ministers 200 years ago had always been exercised improperly, because there were times in which they might have been exercised properly and with advantage to the country; but at other times, undoubtedly, they might have been exercised with direful effects upon individuals who had entered this country as a refuge, and relied upon the protection of that House. Why had the Committee been appointed? Was it fit that this power should be continued, or not? This was the ultimate question for the consideration of the House, after they should have heard the evidence. For his part, he confessed that, in the first instance, he did not believe the whole of the facts stated by his hon. Friend (Mr. Duncombe), though the hon. Gentleman assured him he had the information from others, simply because he could not credit that such things could have been done by any Government in this country. He did not think, however, that it should be made into a personal matter. If any harsh expressions had been applied to the right hon. Baronet, he was sorry for them; and he must express his wish that it should be looked upon as a power which all preceding Secretaries of

state had exercised, more or less, as they in their discretion thought proper. Let bygones be bygones, and let the House now endeavour to prevent the evil for the future. He, therefore, entreated the right hon. Baronet at the head of Her Majesty's Government, to submit to the House the whole of the evidence taken by the Committee. Let the discussion end, for the present, with a declaration from the right hon. Baronet that the evidence should be laid before the House, and every Member would then be prepared to give an honest opinion as to the best mode of ending this most unpleasant matter.

Sir *John Hanmer* said, it did not appear to him that there was any accusation then justly resting against the right hon. Baronet the Secretary of State for the Home Department. That right hon. Gentleman, in the last Session of Parliament, exercising a discretion with which he did not altogether agree—had thought proper, instead of waiting to take the commands of his Sovereign, and acquiring the power to make a communication, to resist the inquiries of the House. He did not agree with the right hon. Baronet upon that occasion, and he thought it one on which it befitted the House to resist the refusal to afford information. It was the duty of the House of Commons to insist upon the responsibility of Ministers of the Crown; and he (Sir J. Hanmer), although he had never entertained harsh, ungenerous, or unjust feelings towards the right hon. Gentleman, was not disposed to yield the constitutional right of Parliament to any of those vague notions of confidence which were sometimes appealed to when Gentlemen in office were at a loss for better reasons. On this ground he voted last year that inquiry should be made. It pleased the House of Commons to appoint a Secret Committee; and every Member would agree, that men of more authority, or weight, or character, could not have been appointed. The Committee met, and the right hon. Baronet had stated, in a manner admitting of no question or doubt, that before that Committee he gave every information it was in his power to afford. In the exercise of their discretion the Committee made a certain Report; and he confessed that when he came down to the House he was of opinion, perhaps, in some degree, forgetting what had taken place last year, that the matter related principally, or even altogether, to the Polish gentlemen, and Mr. Mazzini; and he did not agree, after care-

fully reading the Report, that it was evasive or unsatisfactory with regard to them. He thought in that respect, everything necessary had been stated. Since he came down to the House, however, other matters had occurred. A Member of that House, one of the Representatives of the people—a man enjoying no small share of the confidence and love of the people—a man who represented one of the great metropolitan districts, had stated in his place in the House of Commons, that his letters had been subjected to this same secret investigation. It was, perhaps, a matter altogether for the discretion of the Committee whether they chose to represent to Parliament that fact or not, and it was a subject upon which he (Sir J. Hanmer) had no "prurient curiosity;" but it certainly did concern him, as a representative of the people, and every freeman in England also, that the House of Commons should inquire into such a charge—that they should ascertain whether or no the letters of the hon. Gentleman (Mr. Duncombe) had been so secretly opened; and if so, whether with sufficient reason. The result of that inquiry, he thought, would be no inconsiderable guide to the House upon the question, which must in a very short time come under its deliberate consideration, what should be done with that extraordinary power which had been exercised—a power of which he declared that although he was not unacquainted with the history of his country, and although he had now had a seat in Parliament for some time, he had never heard until the whole question burst, in 1844, into the House of Commons, and took him as much by surprise as it would any man at the Land's End. He should certainly vote for inquiry. He would not then debate in what manner it should be conducted, whether by the appointment of a new Committee, or the reappointment of the old one—but he thought the House ought to inquire into this allegation, and he should give a Motion to that effect his complete support, without giving the slightest sanction to any of the imputations which had been made against the right hon. Gentleman. He could not for one moment entertain the idea that the right hon. Baronet had been guilty of anything which would justify the expressions which had been used towards him to-night; he believed he had in no respect done more than official precedent would warrant him in, and he did not entertain the question as one which by possibility could assume a personal bear-

ing; at the same time he demanded inquiry, in order that the mode and reasons of the practice might be fully known. In what other way could this be attained? In what other way could they enforce the responsibility of a Minister, if Parliament refused to inquire into the acts of power? He insisted on responsibility, and he did not think the responsibility of the right hon. Gentleman to Parliament had been sufficiently answered, by his statements before the Secret Committee. So far as regarded at least the case of the Member for Finsbury—the case of one Member wounded in his right was the case of the whole House of Parliament itself—there was no need to pre-judge the right hon. Gentleman, and to say before inquiry that he had violated right; but if, when a Member of the House of Commons who considered himself inculpated by having had his letters subjected to this inspection, rose in his place and made a demand for inquiry, the House would altogether abdicate the relation in which it stood towards the people of England if it were refused.

Mr. Sergeant *Murphy* said, it was not his intention to approach the consideration of this question in an acrimonious or party spirit. Before he came down to the House he had had an opportunity of perusing the Report of the Committee—he had since perused it carefully and with attention, and the effect of that Report upon his mind was, that this privilege was useless for the well-being of a Government, and ought to be abandoned for the safety and honour of the country. That was the impression which an attentive perusal of the Report produced upon his mind, and he should now calmly and dispassionately, and free from any acrimonious feeling, lay before the House the reasons which had induced him to come to that conclusion. He was certainly surprised that the noble Lord should have felt himself justified in applying to these observations of his hon. Friend the Member for Finsbury, when calling for an inquiry in a matter deeply involving his own personal interest, the charge that he was guilty of a prurient curiosity; but more particularly if the noble Lord would look at the Report of the Committee, of which he himself had been the Chairman, he would find that it recited a peculiar statement which he begged to impress upon the House, not as a justification merely of his hon. Friend the Member for Finsbury, in demanding, in satisfaction of his own personal feelings, that an answer should be openly and tangibly given to his demand,

but as involving the individual feelings, and the individual privileges of every independent Member of Parliament. He would ask, when he had read the passage, whether it was possible to conceive any terms which could more stringently and more forcibly convey to the House, and through the House to the country, the nature and extent of the privilege conferred upon the Representatives of the people. The terms were as follow:—

“In 1735, complaint being made in the House of Commons by certain of the Members that their letters had been opened and read by the clerks of the Post Office, on the pretence of ascertaining whether or no the franks of those Members were counterfeited, and a copy of His Majesty’s warrant, whereby letters of Members and certain public functionaries were permitted to pass free from postage, being read; it was ordered that the copy of the said warrant be referred to the consideration of a Committee, and that they do examine the matter thereof, and report the same, with their opinions thereon, to the House; and on the Committee making its report the House resolved, *inter alia*, ‘That it is a high infringement of the privilege of the Knights, Citizens, and Burgesses, chosen to represent the Commons of Great Britain in Parliament, for any Postmaster, his Deputies or Agents, in Great Britain or Ireland, to open or look into, by any means whatsoever, any letter directed to, or signed by the proper hand of any Member, without an express warrant in writing, under the hand of one of the Principal Secretaries of State, for every such opening and looking into; or to detain or delay any letter directed to or signed with the name of any Member, unless there shall be good reason to suspect some counterfeit of it, without an express warrant of a Principal Secretary of State, as aforesaid, for every such detaining or delaying.’”

His hon. Friend, the Member for Finsbury, relying on this forcible Resolution of the House, came forward in his place in Parliament to demand an answer; and he repeated again, that notwithstanding the reasons assigned by the right hon. Baronet for not answering, the impression made upon the country by his silence would be unsatisfactory. And why did he state this? Because it would be recollected that all the difficulties which were created by the right hon. Baronet’s sense of public duty might have been avoided if he had adopted the same course in the case of the hon. Member for Finsbury which he had pursued with respect to his hon. and learned Friend the Member for Bath, when he made in that House strong, forcible, and impressive charges upon several Members of that House. He recollected that when

his hon. Friend brought that subject forward, objections were made against his being upon the Committee. He was afterwards selected as the Chairman of it, and he defied any one who had sat upon the Committee, or was acquainted with what had taken place before it, to say that his hon. Friend's character was not raised still higher in the estimation of every independent person by his impartiality and integrity in those proceedings. If he, who had no personal interest in the matter, had been appointed Chairman, with power to direct the whole proceeding, and to bring his great acumen of every kind, in addition to his legal acumen, to sift those questions, he asked whether it would not be fair to the hon. Member for Finsbury, whose privileges, appertaining as they did, not merely to himself, but belonging to the country, had been violated—he asked whether it would not have been but fair and reasonable to add him as a Member of the Committee? And it was because he had not been so added that he said the answer of the right hon. Gentleman, cloaking himself in his official station, was unsatisfactory, and would be so considered by the country. Reverting more particularly to the right hon. Baronet himself, he must say that the right hon. Baronet had, after all, no great reason to be dissatisfied with the course pursued by his hon. Friend. The right hon. Baronet, he was bound to say, bating the fact that he did not feel himself called upon by a sense of public duty to make public revelations to that House, had made to Committees of that House and of the House of Lords full and unreserved communications of what he knew. Of course he was bound to believe that declaration, but he now came to another statement of the right hon. Baronet. He had told the House that no communication of his had led, in any degree, to the intervention by Foreign States for the purpose of repressing faction or sedition against them. He asked the right hon. Baronet, would he go the length of saying that no other person had ever imparted any such information which might have led to the results which had occurred? He would ask him to tell the House whether, even in the shadowy way in which it was intimated, there had not been enough to convey to those Powers which had able diplomatic agents in this country, an intimation as plain as if parties had been designated by name? Was he not aware that this country was swarming with diplomatic agents of

foreign countries, remarkable for their sagacity in following up questions of this kind? Did he not know that Russia particularly employed persons notoriously for the purpose of pursuing such investigations, and countervailing any machinations that might be set on foot against her? He, therefore, asked the question, and he said it would not be satisfactorily answered, unless the right hon. Baronet stated with the same distinctness with which he had exonerated himself, that Lord Aberdeen, Her Majesty's Principal Secretary of State for Foreign Affairs, was equally absolved from any participation in communications made to Foreign States. He (Mr. Sergeant Murphy) believed it would be useful to do away with these warrants altogether. They might be classified under three separate heads:—Firstly, those which related to matters purely criminal; secondly, transactions of a seditious and political tendency; and thirdly, questions involving us with foreign countries by reason of persons residing here. With regard to the first head, he would ask upon what grounds they were maintained generally? One of the grounds possibly might be their antiquity, and that antiquity took its first date from a Statute of Anne, which seemed to be traced by the Report to proclamations antecedent to that period; but he believed a House of Commons which was attached to liberty would hardly go back to the time of James or Charles, or of Cromwell, to find precedents to justify the adoption of such measures. With regard to criminal matters, he was not aware, from the experience he had had in the criminal business of the country, that letters so produced ever elucidated any points of criminal jurisprudence. And he was confirmed in his opinion of the inutility of these warrants as connected with Home Government, by the right hon. Baronet, who said they were unsatisfactory and inconvenient; and he believed he had gone the length of saying that they might be dispensed with. He asked the right hon. Baronet if he was aware of the deep feeling against this privilege in the public mind. Did he recollect the ferment which prevailed in the country when this subject was brought forward last year; and that every newspaper in the country, of whatever politics, every society, every club, and every coterie into which a man went to learn what was passing in public life, joined in the outcry against the Government which was supposed to have originated this system? ["No, no."] He said

“Yes, yes.” He did not say whether that outcry was just or otherwise. He admitted that the present Home Secretary was no more answerable than the Secretaries who had preceded him; but when the matter was first brought forward, it came upon the country with startling novelty. The public mind was greatly excited; and, so far as his own experience went, he could say that, irrespective of creed or party, an universal sense of distrust was diffused throughout the country. He said it was so, and he appealed to all who had seen the statements and strictures with which the newspapers teemed at the time. Then, he asked, whether there was any advantage to counterbalance this disadvantage? The right hon. Baronet admitted that for home purposes it was not counterbalanced. Well, he asked whether the power was useful for foreign purposes? He said that other modes might be adopted which would be more useful. It would be preferable to pass a stringent Alien Act which should enable the Government to deport from this country persons who were plotting against Foreign States, rather than that we should act as spies to those Foreign States. He believed that would be a better system than the present, because it was the boast at present that the information communicated could not impart an intimation of individuals. In his judgment this, so far from being useful, was injurious, because the very vagueness of the information would involve others, besides the person really implicated, in suspicion and condemnation. For these reasons he wished that the country should be rid, not only for home but for foreign purposes, of what, instead of strengthening this country, had a tendency to degrade us, and made us be regarded—instead of holding out an asylum for the oppressed from all parts of the world—as spies to foreign nations, to enable them to commit oppression and injustice.

Sir *R. Peel* said: I apprehend that the question to which the hon. and learned Gentleman has just adverted is not the question before the House. A great part of the speech of the hon. and learned Gentleman was occupied with a discussion of the question, whether it be desirable or not that a power should be continued to the Secretary of State, at his discretion, by the issue of a warrant upon his responsibility, to direct the opening of letters. The discussion of that question, which is not now before the House, would be much

better brought forward upon a distinct Motion for altering the existing law and altering the existing usage, rather than upon the particular Motion which the hon. Member for Finsbury has to-night submitted to the House. But if I want a proof of the difficulties which attend the consideration of this question, I find it in the alternative offered by the hon. and learned Gentleman, while he says it is desirable to deprive the Secretary of State of the power of opening letters; as the hon. Member recommends an alternative, to substitute, not the re-enactment of the old Alien Act, but the enactment of a new and more stringent Alien Act. I know that the hon. and learned Gentleman has not frequently taken part in the discussions on this subject; but if he had been present on some of those occasions he would have found that the Alien Act was repealed, from an impression that it might be made subservient; not to the interests of this country, but to promote some improper purposes of other States. Does the hon. and learned Gentleman really believe that an alien resident in this country is exposed in all ordinary circumstances, and, speaking generally, to more danger or inconvenience in having his letters opened, than if there was an absolute power to immediately remove him, because he might be engaged in designs dangerous to another State? Why, you would expose him to positive and immediate danger if you adopted the suggestions of the hon. and learned Gentleman, and expelled him from the asylum which he had found in this country. I hope, therefore, the House will not allow the prior consideration of the present question to be prejudiced by the introduction of a greater subject, when they hear the alternative which the hon. and learned Member—the warmest advocate for giving up this power—proposes. The hon. Member for Montrose has offered a suggestion at variance with the proposition of the hon. Gentleman who has brought forward the question. The Motion is for a new Committee; but the hon. Member for Montrose thinks it would be better, in place of appointing a new Committee, to make public the whole of the evidence taken by the Committee of last year. Now, what are the facts? This House, after mature consideration and discussion, determined that a Committee should be appointed, and determined that that Committee should be a Secret Committee. That was the act of the House.

The Committee was appointed; and I apprehend it was made secret in order that its Members might obtain a full and unreserved disclosure from the Ministers of State, and those who acted with the Ministers of State, of every thing within their knowledge connected with the subject of the inquiry. The Members of the present Government and of the late Government solicited from Her Majesty permission to make a disclosure of every fact that came within their knowledge. They received that permission on the statement to Her Majesty, that the Committee was to be secret, and that they could, without prejudice to the public interests, disclose the facts which had come within their knowledge. The permission was given on that assurance; and by each of those individuals there was made, as far as I know, a full and unqualified disclosure of every fact of which they were cognizant. I believe the noble Lord opposite was examined before that Committee. I know the noble Lord the late Secretary for Foreign Affairs was examined before it. My right hon. Friend was examined, Lord Aberdeen was examined, and I was examined before the Committee, each of us having received the royal permission to make full and unreserved disclosures. We did make such disclosures. We withheld no fact, whether connected with the interests of individuals, or of the country, in order that the Committee might be enabled to judge whether the power had been abused. On those conditions the evidence was given; and the hon. Gentleman now asks that the evidence given and completed under those conditions, in order that the elements of judgment might be perfect, shall be, without reserve, made public. I think the House will hardly agree with the hon. Member in that view. Upon the course of policy to be adopted in reference to the greater question raised by the hon. and learned Gentleman, I reserve any declaration of my opinion, and will not enter into the subject when the debate is upon a different question. The question now before the House affects the character and conduct of the present Government. If we have assumed a power not sanctioned by usage, or contrary to law, our conduct is liable to censure or condemnation; but if the principle of this power is wrong, it is not the Executive Government which is responsible, but Parliament. It is you, the House of Commons, who, with a full knowledge of all the circumstances, or with the

knowledge which you ought to have had, have placed in our hands this instrument for maintaining internal tranquillity and preserving general peace. For no less than 150 years this power has been exercised by the Executive Government. ["Hear."] Don't pretend ignorance of your own acts. At various periods you have had the whole of this subject under your consideration. In the year 1735 [*A laugh*]—oh, I will come down to later periods; it may be very well for you now to pretend ignorance of your own history; it may be very well for you to charge us, the Executive Government, with misconduct, and with assuming a power which our predecessors had not,—but that power was conferred by you, and you are responsible for its existence. In 1735, it was expressly admitted by the Resolutions of the House of Commons, when it was declared to be a breach of privilege of any postmaster, or agent, to open any letter of a Member of the House of Commons, unless under a warrant from the Secretary of State. That was your own Resolution. Well, in 1745, the power was exercised. Of that you, perhaps, were not cognizant; but it has been exercised by Secretaries of State the most remarkable for their knowledge of constitutional privileges, and for their defence of civil liberty. But if the House of Commons is ignorant of what passed in 1745, what does it say to its own recorded acts in 1837? In that year you were parties to an Act of Parliament which expressly recognised the existence of the power in the hands of the Secretary of State. I do not say that that Act, in express terms and for the first time, gave the power; but as a legal Member denies that Parliament recognised the power, I refer him to the Act of 1837, which subjects to a penalty any officer of the Post Office for delaying, opening, or detaining the post letter of any person, except in obedience to an express warrant in writing, in Great Britain, under the hand of one of the Principal Secretaries of State, and in Ireland with the sign manual of the Lord Lieutenant. If this be not an express and direct recognition of the power by a recent Act of Parliament, I know not what can be. I say, then, the Government exercises this power under the authority and sanction of this House. You hold us responsible for the maintenance of public tranquillity and the preservation of internal peace. This is one of the instruments which you have committed to our hands

for the maintenance of that public tranquillity, for the preservation of that internal peace. If we allow that peace to be disturbed, that tranquillity to be compromised from a cowardly abandonment of the trust which you yourselves have committed to us, then in the hour of danger you will be the parties to remind us of the power you have given us. You would have been ready to remind us that in 1745 it was made use of for the purpose of diverting the evils of external attack and internal disorder — and you would have been the first to call us in question for refusing to exercise these powers, when their exercise might be necessary, held under your sanction, and which in former times the highest authorities had not shrunk from exercising. It is well now to condemn my right hon. Friend for issuing some seventeen or eighteen warrants in the month of August, 1842. I wish it were possible to recall to hon. Members now present the feelings with which hon. Members listened to the debates on the state of the country at that time, and the warnings which we had of danger and civil war. I recollect the Member for Wolverhampton rising in his place, in August, in 1842; it was on the Motion implying that we should not permit Parliament to be prorogued, for we were told of the imminent danger and confusion which then prevailed, and that it would be madness for us to permit Parliament, under these circumstances, to separate; and when a Motion was made, limiting the period of prorogation to the month of October, on the presumption that the country was in a state of imminent danger, I recollect that hon. Gentleman then rising in his place, on the 21st of July in that very year, when it appears that an unusual number of warrants were issued, and reading letters from labourers in the district which he represented, which gave this most deplorable account of the state of that district. The hon. Member read on the whole three letters, the first of which was dated the 20th July, and was to this effect:—

“The disturbances in this neighbourhood have indeed assumed a very serious aspect, and what is to be the end of them I know not. That a general feeling of discontent with the present state of things, worked upon most industriously by designing men, of which we have too many amongst us, is at the bottom of what is passing, there can be no doubt; but I regret to say, that some mistaken and rather arbitrary proceedings on the part of

one of our ironmasters, in which it is pretty generally admitted that the men have been hardly used, have been the more immediate cause of it. At the concern to which I allude there has, in fact been a turn-out of colliers, &c. for several weeks past; a part of those who had been discharged, or whose wages had been reduced, I believe, without proper notice, appealed to the magistrates, and obtained a decision in their favour; but in consequence of some subterfuge, as I understand, on the part of their employers, were never able to enforce the redress to which they were pronounced to be entitled. This led to a stoppage of the works; angry feelings have naturally followed, and have gradually spread through the whole mining population of the district; and not only those who may have grievances, but the far greater portion who have none, and between whom and their employers there is really no difference, have now placed themselves in an attitude of defiance; and have successively visited in large bodies, and stopped every colliery within ten miles of Hanley, have assembled there from day to day, to the amount of some thousands, armed with tremendous bludgeons (and often, I am told, with other weapons), and have succeeded in exciting that sort of terror and panic amongst those who are disposed to work, as many I believe are, that they dare not do so; and the destitution of their wretched families is becoming more intolerable every hour. The first outbreak was at Lane End, on the Monday in last week; and in the course of that and the three following days all the collieries in this part of the country were taken possession of by the malcontents, and whenever resistance was offered by the managers or bailiffs they were treated in the most brutal manner.”

The object of stopping the collieries was to prevent the supply of labour to the manufactories, under the expectation that, the manufactories being compelled to stop working, there would ensue general confusion and disorder. I am now quoting the authority of the hon. Member for Wolverhampton. It is not my own testimony I am dealing with and presenting to this House. This letter further says:—

“You are aware that if the colliers do not go to work again immediately, from 20,000 to 30,000 potters must be thrown out of employment, and I am sorry to say that many of them are quite as ill-disposed and as ripe for mischief as their neighbours. . . . There are now 10,000 potters of all grades out, and by the week's end the number will be 20,000. Only think what a state we shall be in! And how we shall stand our ground, or the neighbourhood be kept in peace, I know not. . . . As I have usually thirty or forty servants, &c. within a minute's call, I dare say I shall be able to protect myself.”

Such was the testimony given as to the

state of one part of the country in 1842, in the month of July, and given to us as a warning of the consequences which might arise from permitting Parliament to separate. On the very day on which the Queen delivered the Speech from the Throne proroguing Parliament, before that Speech was delivered, a discussion took place in this House, in which the hon. Member for Manchester assured the Government that there was every disposition on the part of the magistrates of Manchester to suppress the evils which then existed, threatening to disorganize society, and to spread wider and wider, until they at length involved the entire country in one common ruin and downfall. He was followed by the hon. Gentleman the Member for Stockport, who, on his own behalf, and that of his Friends, indignantly repelled an insinuation of inciting to the spread and continuance of disorder; and the hon. Member for Stockport said then that he would ask the House to consider the position in which the manufacturers were placed:—

“Who,” said the hon. Member, “were more liable than they to the destruction of their property? Children had been instructed to destroy the spinning machines with knitting needles, and a box of lucifers could destroy the greatest amount of manufacturing capital. . . . He would tell the Government that there was danger of dire confusion.”

That was the language listened to here, honestly given, and representing the sincere opinions of those who spoke—that was the language to which we listened in the month of August, 1842—and yet we asked for no extraordinary powers to repress the disorder there referred to. But if we had neglected to exercise any right or power for the maintenance of the public peace which you, the House of Commons, had entrusted to us, I ask again whether—after these statements with regard to the then condition of the country—if dire confusion had ensued—if our manufactories had been at the mercy of thousands and tens of thousands assembled in tumultuous mobs, and if you could justly charge us with apathy, with indifference, and with the neglect of any power which we hold under the law and through your sanction—I ask whether you would not have been among the first to lay the blame of all the calamity that might have ensued at our doors, and to make us responsible for the non-exercise of those

powers, for the exercise of which you, now that tranquillity is restored, seek to make us solely and exclusively accountable? I know nothing more painful than the possession of powers of this nature. With regard to the duty which is devolved upon us for the maintenance of external tranquillity, if we have reason to believe that in this free country plans were concocted for disturbing the tranquillity of other countries, then it becomes, no doubt, a painful and difficult consideration to decide, not whether you will betray individuals, but whether you will give notice to foreign and friendly Governments of the danger. But if in addition to that consideration, which I admit can rarely alone justify the exercise of this power, you foresee that in that internal disturbance of another country there are the elements of a general war—if you foresee that one country will advance for the purpose of repressing the disorder, and that another, jealous of such interference, will also advance, and that these two Powers, thus advancing, will be brought into conflict—then the original difficulties as to the exercise of this power becomes greatly increased, and it is a most serious question whether or not you will exercise the power thus conferred upon you by the law. I am quite aware that this House and the country were not generally aware of the exercise of this power. I am quite aware that the presumption at first was, that we had arrogated to ourselves a power which none of our predecessors in office had possessed. We bore the first brunt of the public storm; and seeing the state of the public feeling on this question, it became ultimately necessary to depart from the course which, under ordinary circumstances, it might have been better to observe, and to permit a Committee to be appointed to investigate the subject. That Committee was appointed. In that Committee there was a majority of our political opponents. Before that Committee we stated every fact—concealing nothing with regard to the exercise of this power. Our political opponents—our predecessors in office—did the same. They stated what was within their knowledge with regard to the exercise of this power, and in so doing made disclosures as unreserved as did we. In times of imminent danger you have the choice of exercising the power of opening the letters of persons, whose letters when so opened may be perfectly free from

blame, or of incurring all the evils which may arise from abstaining from exercising the authority so reposed in you. During the visit of the Emperor of Russia, from circumstances which came to our knowledge, we deemed it necessary to open certain letters, which, when opened, disclosed nothing which could involve any parties; and it then appeared that in these cases there was no necessity for exercising such a power. But if any of you had been a Secretary of State when the Emperor of Russia was in this country, you would then have better known the anxiety and solicitude which, under such circumstances, embarrass the course of a Minister. Had there been a fatal issue of that visit, that Minister of State who had neglected the care and caution which you now think unnecessary, would never have been permitted to forget his imprudence and want of foresight. It is asked, whether there is not great cause for the suspicion that this power has been perverted for political purposes, or made use of merely for the purposes of a prying curiosity? The hon. Members who composed the Committee had all the facts of the case before them. A Committee had also been appointed by the House of Lords. Of that Committee Lord Cottenham was a Member, and over it Lord Colborne presided. Looking at the Members who composed both Committees, the Committee of this House, and that of the House of Lords, is it likely that these men would be base enough not to say, if such were the case, that men possessing this power had exercised it to any unworthy purpose? The Committee of the House of Lords made this Report:—

“The Committee are bound, in conclusion, to state, that having looked back to the proceedings of several Secretaries of State during successive Administrations more than twenty years, they have found the practice has been nearly uniform, that the power has been very sparingly exercised, and never from personal or party motives, and that in every case investigated it seems to have been directed by an earnest and faithful desire to adopt that course which appeared to be necessary, either to promote the ends of justice, or to prevent a disturbance of the public tranquillity, or otherwise to promote the best interests of the country.”

I will conclude, then, by saying that we may, in the exercise of this power, under doubtful circumstances, and in critical times, have made a mistake; but remember

what would have been our position if, by a refusal to exercise it, we had endangered the life of any man, or compromised the interests of the nation—if you believe, with that Committee of the House of Lords, that we have not exercised the power from personal or party motives—if you believe with them who had every fact before them, that when we exercised the power, the exercise of it has been directed with an earnest and faithful desire to adopt the course which appeared to be necessary to promote the ends of justice, or prevent the disturbance of the public tranquillity—then I ask you, who gave us this power; you, who made us responsible for the exercise of it; you who would have been the first to blame us had calamity ensued from the non-exercise of it; you, who appointed that tribunal, whose Report you have got before you—not to imply a condemnation of your own Committee, and not to imply a suspicion of us by subjecting us to another Committee, to another tribunal.

Mr. Warburton said, that, as a Member of the Committee appointed by the House of Commons, it was in his power to state that a most unreserved communication of all the facts of the case had, as he believed, been made, both by the Members of the present Government and of former Governments. He felt also bound to state, that he concurred with the terms of the paragraph, in the Report of the Committee, that—

“So far as the criminal warrants go, no suspicion arises that unfairness or partiality has directed their issue. With regard to the other class of warrants, though there have been some few issued by different Administrations that have been in power during the last twenty-two years, in regard to which it is obvious that on a subsequent review of the facts, a difference of opinion might arise, as to the discretion exercised in each particular case, yet your Committee see no reason to doubt that the conduct of the Secretaries of State belonging to each of those Administrations has been guided by no other motive than an anxious desire to preserve the public peace, with the maintenance of which they were charged.”

In that general statement, reserving to himself his own opinion as to the discretion which might have guided the conduct of different Ministers on the other side of the House on any particular occasion, he entirely concurred. He might be allowed to state a few words in confirmation of what had fallen from the noble Lord, the

Member for Liverpool, as to the conduct of the Committee. Much had been said of the impartiality which had guided the Ministers in the appointment of that Committee. That Committee had no desire to criminate the Members of the Administration, and had adopted the wise, the sensible, and practical course of not wasting its time in debating matters on which the Members might have disagreed, or on which they might have been so nearly balanced as to prevent their coming to any practical results. He need scarcely remind the House that there had been much doubt as to the times and circumstances in which the power now under consideration had arisen; and even it had been disputed whether the power claimed had its foundation in the Statute or in the Common Law of the land. Now, nothing could be more evident than that if they were to found the right upon the Common Law, the investigation of that right would plunge them into all the depths of antiquity; for the Common Law consisted of practices "time whereof the memory of man runneth not to the contrary." The natural and interesting question must clearly be this:—Under what circumstances had the practice been enforced? He thought that without any breach of the confidence imposed upon him by the fact of his being a Member of the Committee, he might be permitted to say that he himself had been somewhat active in the business of looking back into ancient times for the real state of the practice. On this point then, he must say, that he found no justification under old precedents for the practice which formed the subject of the present Motion. He did not, however, regret that he had gone into that inquiry, for the result had been that he found no justification whatever for the practice. To this he might add, that other papers had been moved for, and they had been laid before the Committee; and this likewise was an occurrence which he did not regret, for the effect of reading those other papers was to confirm him in the opinions which he had previously entertained. He hoped, also, without any breach of confidence as a Member of the Committee, he might state, that some cases were especially brought under the consideration of the Committee; and after what had occurred, he need scarcely tell the House that Mazzini's case had been very carefully investigated. In that

case, the Secretary of State for the Home Department had been guided by his own notions of public policy; however, he must be allowed to say, it did not appear to him that the right hon. Baronet had by any means exercised a sound discretion. The production of the Report on opening letters connected with representations from Foreign Governments—

Mr. B. Escott rose to order. The House should have the whole or none of the proceedings of the Committee. The course of the hon. Member was most unfair and disorderly, to state the opinion of an hon. Member of a Secret Committee on one particular fact on which he is commenting, which fact took place before the Secret Committee when the House had no opportunity whatever, and no power whatever, of ascertaining all the other facts bearing on the particular instance of propriety, or impropriety, which he is quoting to the House; and when the House had no power whatever of examining all the evidence given before the Committee, it was not a proper course to pursue.

Mr. Warburton resumed: He said that his judgment on the facts of the case was already before the Committee, and that opinion was formed upon all the statements brought before them, as well in the case of Mazzini as in any other cases which had been brought under their consideration. Now, Mazzini's was one of those cases in which the Committee reserved to each Member the right of forming an opinion for himself. He exercised that power, and he humbly conceived himself as free to exercise that power as any other Member. This part of the subject, however, was one which he should not pursue any further. It was undoubtedly true that in the course of the present discussion hon. Members of that House had expressed strong and decided opinions as to the facts in Mazzini's case; but he thought it important that they should not state matters as facts within their own cognizance, the knowledge of which they had acquired merely from the statements of Members of Her Majesty's Government. Still the great question on which the House had to decide was this—did they or did they not think it expedient to grant the Committee asked for by the hon. Member for Finsbury? Now he, as a Member of the former Committee, must be permitted to say that he thought they

had already sufficiently expressed an opinion upon the question now brought before them. He thought that a sufficient opinion had been expressed as far as the expression of opinion was at all useful for the public good. He doubted that it was for the public good to communicate all the names and circumstances of the cases which had been brought before them, and he therefore did not concur in the Motion of his hon. Friend the Member for Finsbury. The object of the Committee was to get at the general state of the facts, in order to form a judgment as to the public policy of continuing the practice; but for the purpose of arriving at such a conclusion it was not necessary that they should make known to the public all the facts of each particular case. Finally, looking at all the circumstances which had been brought under the consideration of the Committee, he should say that the general impression on his mind was, that the continuance of the practice was not worth contending for by any popular Government. Eight warrants formed the average of the whole year, and the greater part of those occurred in criminal cases; and no one said that in such cases any advantage accrued from the practice, which at all counterbalanced the evil and the inconvenience of it. To be of any practical use in criminal cases it ought to be generally known; but he did not believe that it was generally known; on the contrary, he had made inquiry of his own law agent—a solicitor in large practice in London—and that gentleman said he had never heard of the practice. On all these grounds, then, he repeated that it was not well for a popular Government—it was not worth their while to retain a power which the moral feeling of the country repudiated; the more especially was it unworthy of their attention, when they recollected the great power which they had recently acquired. By means of the electric telegraph, the centre of Her Majesty's dominions might communicate with the whole circumference in the twinkling of an eye, and armies might be transported from Edinburgh to Exeter in forty-eight hours. With such great and novel powers—with such ready means of suppressing any tumult, no Government need contend for so unpopular and so unimportant a privilege.

Mr. Wakley remarked, that the hon. Gentleman who had just resumed his seat had informed them that they were in-

debted to him for all the evidence as to antiquity which was to be discovered in the report of the Committee. At the same time the hon. Member admitted that all his antique researches had tended to a negative result—that he had not discovered in ancient usage any authority for the Secretary of State opening letters, such as had been practised in the case before the House. And in connexion with these facts, the right hon. Gentleman had said that he believed that the Secretary of State had alleged, on his own authority, that the opening of letters by him was founded on the Statute of Anne. [Sir J. Graham: No, no.] Then by Statute Law. [Sir J. Graham: No, no.] As he understood, the right hon. Gentleman said that it was founded on the Statute.

Sir J. Graham: It was exercised on the authority of the Statute, introduced in the reign of Queen Anne, subsequently adopted, confirmed, and enlarged by other statutes.

Mr. Wakley continued: Then it was substantially founded on the Statute made in the reign of Queen Anne. The right hon. Gentleman, in the statement that he made formerly to the House, stated as the foundation—as that which justified him in opening letters, the Statute of Anne. That was the foundation—that was the original source from which he derived his authority. But then the hon. Member for Kendal stated that there was no authority to be found in ancient usage. Then the right hon. Gentleman stated what was in his opinion the foundation of his authority. He thought that in such a debate this was a point with respect to which there ought to be neither doubt nor mystery. They ought to have a distinct acknowledgment from the right hon. Gentleman as to the source of his authority with regard to the opening of letters. He understood the right hon. Gentleman to state that his authority was the Statute of Anne. In the course of the speech of the right hon. Gentleman, he remarked upon the constitution of the Committee of the House of Lords—he spoke in the highest terms of praise of the great legal ability which was to be found on that Committee. Looking then to the legal knowledge of the Members of that Committee of the House of Lords—yielding obedience to them as an authority—let them see what that Committee said as to

the Statute of Anne; because it appeared to him, that in their judgment there was no legal authority for the exercise of this power—that it was to be justified but by a great emergency, and that Ministers were responsible for it—responsible to public opinion, and to the House of Commons, where they should justify themselves for the exercise of such an Act. This most important admission was to be found in the Lords' Report. He would read the passage for them:—

“In letting to farm the Post Office to individuals, and in proclamation of the 25th of May, 1663, and 25th August, 1683, the power is distinctly claimed and reserved. The terms in which the provisions of the Act, 9 Anne, cap. 10, upon this subject, are enacted, can only be explained upon the supposition that this power was at the time fully recognised, for that Act gives no power to the Secretary of State to detain or open letters, but prohibits others from doing so, except by an express warrant in writing, under the hand of the Principal Secretary, for every such opening or detaining.”

That, then, was the Report of the House of Lords. The Statute of Anne gave no power to the Secretary of State; but what it appeared to him to recognise was this—it appeared to be that under certain circumstances the Secretary of State might have exercised this authority; but what he wanted to know was, where was the foundation for that authority? Let them look to the Lords' Report. They could not forget the terms in which the right hon. Baronet spoke of the Committee of the House of Lords; and now they saw that Committee in its Report say, that by the Statute of Anne no power was given for the opening letters. It scarcely amounted to a recognition of the provisions of the Statute, or it did not do more than this. It said that the Secretary of State, on his own responsibility, and for the public safety, might deem it proper to order the opening of letters for the purpose of discovering the seditious and treasonable practices of parties, and that then the parties obeying, under such circumstances, the warrant of the Secretary of State, should be free from all responsibility. The Report of the Lords appeared to him to amount only to that. He said, then, that this admission on the part of the Lords was a most important one. Now, it lay upon the Government to show that it was justified in what it had done; and if it were not, an action at law would lie

against the Secretary of State, unless he could show that he was justified in issuing his warrant. Now, after what had passed on this and on a former occasion, he must say that his hon. Colleague had been placed in a most unfair position. His hon. Colleague was a man of great ability and great valour. His hon. Colleague had the confidence of the country, and he was entitled to that confidence: and no man, he must say, exercised his functions as a Member of that House in a more honest, a more able, or a more independent manner. What, then, was the position of his hon. Colleague? A foreigner, relying upon his abilities, entrusts to him a petition; that foreigner said, “My letters have been opened in your Post Office. I consider myself an ill-used man. I rely upon you to bring forward my case.” The subject was first mentioned in that form; and when the right hon. Gentleman was asked a question as to the number of warrants that he had issued, the right hon. Gentleman stated, when he was so asked, as to the warrants he had issued, if he had issued one against another individual named Stolzman, his reply was, that if the hon. Gentleman had given him notice, he (Sir James Graham) might have told him whether he had done so or not. This was the right hon. Gentleman's reply as to the names of two foreigners. What then, was stated in the Report of the Committee of the House of Commons on this point? His (Mr. Wakley's) remark, upon hearing the reply of the right hon. Gentleman was this—had the right hon. Gentleman issued so many warrants that he could not recollect one name out of the number, and that one the name of Stolzman, which was certainly not a common one? Now, the allegation in the Report of the Commons was, that three warrants only had been issued; and this happened though the right hon. Gentleman required notice as to one name when there were but two remaining, for the name of Mr. Mazzini was then before the House. So, then, the case progressed. The Secret Committee was appointed. It was a useful lesson to them: he sincerely hoped that they might never appoint another. It appeared to him that they were nothing more than whitewashing machines for Government—these Secret Select Committees. They made a Report in which they mentioned but a few names, excluding the great mass; and then individual

Members of the Committee stood up, to give to these labours their weight and authority by declaring that they had exposed all that it was for the public good to have mentioned, intimating that it would be for the public disadvantage to state anything more. But here his hon. Colleague assumed a new case. It was to be observed that he was the first man who presented a petition upon this subject—that he laid before them that petition, of Mr. Mazzini that had led to the present inquiry; and that it was through his exertions that a Select Committee had been appointed. Well, then, out comes the Report, and there was no allusion made to him. He was not allowed to act on the Committee; and he believed he was not allowed even to conduct the case of Mr. Mazzini. His name was excluded; and what was now the case of his hon. Colleague? He said to the Secretary of State—"I charge you with opening my letters. I charge you, the Secretary of State, with having done this." What, then, was the answer of the right hon. Gentleman? He was not absolved. The name of the Queen was introduced into this discussion in the most extraordinary manner. It was, he must say, new to him. He considered it to be the duty of Ministers to allow no personal responsibility to attach to the Sovereign. He thought that it was the constitutional doctrine that the Sovereign was not to be responsible—that the Sovereign could do no wrong—that the Sovereign could do nothing but with the advice of Her Ministers. Who was it, then, who advised the Sovereign to absolve the Secretary of State—to absolve him from his oath before the Secret Committee, and not in that House? Who took the responsibility on him to do this? He should like to know on whom rested that responsibility. He thought it was not right in any Minister to throw the responsibility that should rest upon himself upon his Sovereign, and to shield himself under her individual authority. He must say, that he did not think this a just or right exercise of the prerogative of the Crown. His hon. Colleague repeated the charge—he did not speak in any confused manner—there was no misunderstanding him. His accusation was this, "You have opened my letters." The right hon. Gentleman did not deny the charge; but then the right hon. Gentleman the First Lord of the Treasury, by implication, made, or af-

fectected to offer a justification for the opening of his hon. Colleague's letters; for the right hon. Baronet said that the country was in a very disturbed state in 1842. The right hon. Baronet stated that there had been commotions, that there had been incendiarism; that threats had been held out, and that large masses of the people were in a state of disturbance. Thus, then, his hon. Colleague was connected with the seditious movements of that time. That, he said, was the inference, and that too was the justification for opening the letters of an individual Member of that House. He put, he said, the fair interpretation upon the language of the right hon. Gentleman, and he wished to put the House in possession of the right hon. Gentleman's plain and obvious meaning. It was not to be misunderstood. ["No, no."] If the right hon. Gentleman did not mean that, what did he mean? Why was this done with a Member of the House of Commons, whose political course was well known, whose proceedings were well known, who chose for the objects of his attack those who were of high quality, and amongst others the Home Secretary himself, who was considered by his hon. Colleagues a proper object of attack, fair game and worthy of being hunted down? His hon. Colleague, too, occasionally attacked the Judges. He remembered on one occasion the right hon. Gentleman saying, that his hon. Colleague seemed to think himself justified in calling them to account. His hon. Colleague, then a Member of that House, in the exercise of his useful functions, had his letters opened, and that too, by the party that he attacked in that House, and that, too, an individual who said that all his political acts were performed by him upon his responsibility. His responsibility! What was the right hon. Gentleman's responsibility? What was responsibility? He never could see it—nobody could touch it—and no human being, gifted with the greatest sagacity, and aided by the keenest subtlety, could ever discover it. What was the meaning of responsibility? The official character of the right hon. Gentleman was implicated in this transaction. But now insinuations were thrown out—now they were told that commotion was threatened—that rebellion and civil war were impending; and were they, because such things existed, to be also told that a Minister of the Crown was

justified in looking into the letters of a Member of that House, and casting upon him such odious reflections, branding him with favouring sedition? [*Cries of "Oh, oh, oh."*] Then why were his letters opened? What was the justification? Who was responsible? The right hon. Gentleman, he said, was bound to state the reasons—he was bound to show how he came to be justified in opening the letters of a Member of that House. But even supposing the law justified the Secretary of State in prying into letters, where was the law to justify the opening letters and sealing them up again, and then sending them to parties who never suspected what was done? Where was the justification for that? Let the House liken the proceeding to that of a search warrant issued by a magistrate—and whether the warrant was for opening a letter or a house, it partook of the same character. A magistrate before he granted a search warrant, must have an information before him, made upon oath, to justify such a step, and that information was recorded. But where was the information in this case? Then let them suppose a magistrate in London had been guilty of an act which induced such a man as Mazzini, or half a dozen such men, to petition the House of Commons, and that they complained that policemen had, acting under the directions of that magistrate, gone to their houses in their absence, opened their doors, at night, and searched their houses, and, having done so, that they had fastened up the doors again, and gone away, without informing the parties whose houses they had entered what they had done; and that the fact that they had been subjected to such injustice was subsequently discovered by them accidentally, as it were. What would hon. Gentleman say of the magistrate who had so acted? What would they say of a man who had sent policemen secretly into a man's house for such a purpose, and in such a way, to make search for, and examine all his private documents and papers; and having satisfied themselves of all that was in the house, to leave it in the same quiet and secret way, not leaving a trace of their presence, or any intimation to the parties that such a visit had been paid, or such an examination made. What would hon. Gentlemen say—what would the Government say—of a magistrate who had so acted? Would they not call him one of the basest of

spies—and would they permit him to continue in his office another hour?—would they not say he had grossly violated his trust, and was no longer fit to sit on the bench. The condemnation of such a man would be unanimous, and the circumstances must be strong indeed that would extenuate, much less justify, his conduct. The right hon. Baronet the Home Secretary was now called upon to justify his conduct in regard to the opening of these letters; but how could he do so unless the whole of the circumstances connected with these transactions were known to the House and the country? The right hon. Gentleman was bound to show that he had good reason to believe that his (Mr. Wakley's) hon. Colleague was engaged in some practices or other that would justify the unusual and extraordinary course he had adopted of opening his letters—a proceeding which, as was stated in one of the Reports, amounted, in fact, to a breach of the privileges of the House. Then look at the position in which the two gentlemen, Captain Stolzman and M. Worcell were placed by the proceedings of the right hon. Gentleman. Look at their position, as described in the Report of the Committee; for the right hon. Baronet had stated no grounds for connecting them with the transaction in which it had been insinuated they were implicated. The Report states,—

“A warrant to open and detain all letters addressed to Mr. Worcell and to Mr. Stolzman was issued on the 17th of April, 1844, and cancelled on the 20th of June. A warrant to open and detain all letters addressed to Mr. Grodicki at Paris, and to another foreign gentleman, was issued on the 3rd June, 1844, and cancelled on the 18th of the same month.”

Then, the last two warrants. Now, observe, these were the warrants in reference to Mr. Stolzman and M. Worcell:—

“The last two warrants rested on grounds connected with the personal safety of a Foreign Sovereign, entrusted to the protection of England.”

Insinuating thereby that there was some ground for believing that those gentlemen were engaged in a transaction likely to lead to assassination. Now, were they acquitted of that implied charge by the Report? Let the House read the sentence as it appeared in the Report, and say whether or not the Committee had acquitted them. It stated,—

“It appears to your Committee that, under

circumstances so peculiar, even a slight suspicion of danger would justify a Minister in taking extraordinary measures of precaution. The Committee have not learned that there appeared in the letters that were detained, anything to criminate the Gentlemen whom the Committee have very reluctantly named."

The Committee had not learned that there appeared in the letters themselves anything to criminate these gentlemen; but had they acquitted them? He understood that the spy who was here, and who gave the information against these two gentlemen, upon which the warrant for opening their letters had been issued, had been rewarded for his infamy. Now was this a system to be justified—could the right hon. Gentleman the Home Secretary justify it? Whether the power, if it existed in law, was to be maintained or not, was not then the question; the case was simply this: his hon. Colleague stated—a Member of the House stated—that his letters had been opened by order of the Secretary of State for the Home Department; and the answer of that Secretary of State to the charge was, that he would say nothing at all about it, as he was not absolved from his oath of secrecy as a Member of the Government. He said that, under these circumstances, it was impossible for that House to be satisfied, or the country to be satisfied; and that House would not do justice to its character, and its position with the public, or fulfil those high functions which it was destined to perform, if it did not demand a full, complete, and searching inquiry into the direct, pointed, and personal charge which his hon. Colleague had made.

Debate adjourned till Thursday.

House adjourned at a quarter to one.

HOUSE OF COMMONS,

Wednesday, February 19, 1845.

MINUTES.] *BILLS. Public.*—1^o. Labouring Classes Improvement Society.

Private.—1^o. Manchester and Birmingham Railway (Ashton Branch); York and Scarborough Railway Deviation; Leeds and Bradford Railway Extension (Shipley to Colne); Pudsey Gas; Manchester and Leeds Railway; Ashton, Staleybridge, and Liverpool Junction Railway (Ardwick and Guide Bridge Branches); Manchester and Leeds Railway (Burnley Branch, and Oldham and Heywood Branches Extension); Leeds and West Riding Junction Railways; Leeds, Dewsbury, and Manchester Junction Railways; West Yorkshire Railways; Ellesmere and Chester, and Birmingham and Liverpool Junction Canals Union; Richmond Railway; Liverpool Docks; Kingston-upon-Hull Docks; Plymouth and Stonehouse Gas; London and South Western Railway (No. 1, Metropolitan Extension).

PETITIONS PRESENTED. By Mr. Shaw, from Antrim and Creeve, for Encouragement to Church Education Society.—By Viscount Sandon, from Bethnal Green, for better Observance of the Lord's Day.—By Sir C. Douglas, Sir J. Mordaunt (3), from Warwick, and Mr. Wilshire, from Great Yarmouth, and Presteign, against Renewal of Property Tax Act.—By Mr. R. Clive, from Bromsgrove Union, for Rating Owners of Tenements.—By Mr. Hogg, from East India and China Association, against Discriminating Duties on Sugar; and from Bengal Chamber of Commerce, suggesting Alterations in Duties.—By Mr. Mainwaring, from Denbigh, in favour of County Courts Bill.—By several hon. Members (5), for Alteration of Medical Practice Bill.—By Viscount Sandon, from Liverpool Peace Society, against Increase in Military Establishments.—By Lord G. Somerset, from Trevethin, and Pantegae, against Parochial Settlement Bill.—By Earl of Arundel, from Burton-in-Lonsdale, for diminishing Public Houses.

RAILWAYS.] On the Order of the Day being read for the Committee on the Companies' Clauses Consolidation Bill.

Lord G. Somerset said, it would be better to postpone the six Consolidation Bills regarding railway affairs, of which he had given notice, and to take them on Friday, at twelve o'clock.

Sir J. Graham hoped, as they were now on the subject of railways, the House would permit him to correct an error in a statement of fact which he had made on a former evening, when he had had the honour of addressing them on that subject. He had stated, in positive and very general terms, that he never, at any period since he had had the honour of having a seat in that House, had any connexion with any railway. He need not say that he had made the statement under the most entire impression that those general terms were to the fullest extent correct. At the moment it had escaped him that, in 1827, when he represented the city of Carlisle, and a railway was proposed to be formed between Newcastle and Carlisle, considering it was an object of local importance, and with a view to further that object, he had purchased a share of 100*l*. He would only add, that on parting with that share it was not a source of profit to him. As this circumstance was not entirely consistent with the general terms of his denial, he had thought it right to make this statement.

Committee deferred.

THE AFFAIR IN CALABRIA.] Mr. Milnes wished to put the question, of which he had given notice, to the right hon. Baronet the First Lord of the Treasury. Seeing that the late Report on the practice of opening letters at the Post Office was in the hands of Members, and,

after the discussion of last night, it could not be necessary for him to detain the House by any preliminary remarks. He believed he should best perform his duty by putting the question to the right hon. Baronet as simply as possible, and he was glad to have an opportunity to do so; because, though his right hon. Friend had already spoken, he was very anxious to obtain a satisfactory answer on a point which, he could assure his right hon. Friend, had already created much interest among the Members of that House. He was anxious to ask his right hon. Friend, as the representative of the administration of Foreign Affairs in that House, whether, at the time when Lord Aberdeen communicated to the Austrian, Italian, or any other Government, from his own knowledge, the fact of a conspiracy being organised in the island of Corfu or some other English possession; and whether Lord Aberdeen, at the same time communicated, gave, or caused to be given, full information and warning to the sons of Admiral Bandiera and other persons, conspiring against the Italian Governments, that they were under the surveillance of the English Government, and that their intentions had been made known to the Austrian and Italian Governments; and also, whether Lord Aberdeen and the authorities of Corfu had taken all possible means in their power to impede and frustrate this disastrous expedition?

Sir R. Peel said, it would not be possible for him to give a satisfactory answer to the question put by his hon. Friend in one or two sentences. If it was the wish of the House that he should give a full answer to that question, they must allow him to enter into the subject at some length. He had had communication regarding it with his noble Friend the Secretary for the Foreign Department, and he would state to the House as briefly, and at the same time as fully as he could, an answer which he thought would be satisfactory to his hon. Friend and the House; but still, as he had said before, he could not answer that question in one or two sentences. In the early period of the last year, information was conveyed to the British Government that a number of Italian refugees and others, subjects of Austria, were, in different parts of the British possessions in the Mediterranean, organising attempts hostile to the tranquillity of Italy, particularly the Papal States, and

calculated to excite insurrection in that country. A remonstrance was made to the British Government against those parties making use of the British territories, which had furnished them an asylum, and then converting that asylum into the means of disturbing the tranquillity of other countries. That communication, made on the part of the Austrian Government to his noble Friend, was accompanied with this distinct notification, that in the event of there being any insurrectionary movement in the Papal States—and that was a part of Italy where it was supposed most probable that insurrection would break out—it was distinctly intimated to this Government, on the part of the Austrian, that upon the occurrence of an insurrectionary movement the Commander in Chief of the Austrian troops at Milan had positive instructions to advance into the States of the Church—that he need not wait for instructions from Vienna, but might advance into the Papal States at once. There had certainly been an intimation conveyed to the Government, which led them to apprehend a disturbance to the public tranquillity; and his noble Friend had conveyed to the Austrian Government, from time to time, the purport of the information he had received in respect to the proceedings of those who had designs against the public tranquillity; but he had not communicated any letter, nor any extracts from any letter, neither had he stated the name of any individual within the power of the Austrian Government. He had, as stated in the Report of the Select Committee, from time to time, communicated to the Representatives of the Austrian Government, the general purport of the information he had received relative to the designs of those persons who were residing in the dominions of Her Majesty, particularly those in the Mediterranean, and which designs were calculated to endanger the public peace. His noble Friend (Lord Aberdeen), had not a very perfect recollection of the purport of all the letters he had received upon the subject; for he had destroyed such of them as were not of an official character; but so far as his remembrance served him, he had never seen any communication of a public or private nature which could lead him to apprehend that that particular attack from Corfu would be made. Therefore, he had never taken any step whatever with regard to that particular mat-

ter. He had never communicated to the Austrian Government, or to the Neapolitan Government, or to the authorities at Rome; he had never made any communication whatever to any of these with respect to any particular design to be directed from Corfu against any part of Italy. Consequently the impression which some gentlemen appeared to entertain that these individuals had been entrapped by an act of the British Government, was entirely unfounded. So little reason had his noble Friend to apprehend that that particular attempt would be made from Corfu, that no communication had been made to Lord Seaton, the Governor of the Ionian Islands, until after the occurrence. The truth was, that the affair took every one by surprise—it took Lord Seaton by surprise; took the Consul for Austria by surprise; and it took the Consul for the Papal States residing in the Ionian Islands completely by surprise. He would state the facts shortly to the House, without referring at length to the despatches; but he repeated the fact that the Government had not put Lord Seaton on his guard, nor had they put the Austrian Government on their guard. It appeared that there were residing in Malta and the Ionian Islands several persons, refugees from their own country on account of political reasons. The two sons of Admiral Bandeira resided in Corfu. These persons were permitted to reside there without any molestation. They conducted themselves very quietly, and without exciting the suspicion of the Government of the Ionian Islands. It appeared that on the night of the 12th of June twenty-two individuals—and twenty-two individuals only—left Corfu in two small boats. They were without arms, without ammunition, and without any preparation whatever for directing a foreign attack. It was not until after that expedition—if it could be called an expedition which consisted of twenty-two unarmed individuals—had sailed from Corfu, that the Austrian Consul, the Consul for the Papal States, and the Russian Consul, made strong representations to Lord Seaton on the subject. They remonstrated strongly against it. The answer of Lord Seaton was that he had been taken by surprise, and that they must have been taken by surprise too, or they would have made a previous communication. The Austrian Consul requested that the British war-steamer there

should be sent after the boats containing the twenty-two individuals. Lord Seaton said he must decline sending an armed steamer in order to arrest them, for that he did not think he was authorised to do so; he said also that he thought the reports were exaggerated. Lord Seaton said he felt confident no descent could be meditated on the coast of Calabria; but he would send a small boat as quietly as possible to Tarento, in order to ascertain the nature of the project, and to communicate with the Government of Naples for the purpose of defeating this attempt. The boat did not sail to Tarento on the 12th, the night of which the twenty-two individuals had set sail, but it sailed in the course of the 13th. No information upon this subject had been received by the British Government until July, when they received a letter from Sir Robert Gordon, our Ambassador at Vienna, stating the facts of the case. That was the first intimation of the affair received by this Government; and Sir Robert Gordon's letter contained a strong remonstrance from the Austrian Government concerning the expedition, and complaining that it should have set out from a British possession. That was a strong proof that the British Government were not acting in concert with the Austrian Government in order to entrap those individuals. Those twenty-two individuals did land; the only account the British Government had received was conveyed to them in a letter from Mr. Temple, the British Minister at Naples. The British Government had, as he had said before, made no communication whatever to Mr. Temple, because his noble Friend never suspected that twenty-two individuals, unarmed, and seemingly defenceless, would direct a project against the coast of Calabria. By a letter dated the 26th of June, Mr. Temple informed the Government of what had occurred on the landing of these individuals. He said that a party had landed, twenty-two in number, thus confirming the previous report; that on the 16th they had arrived at Cortona; and on the night of the 19th of June, they fell in with a small force, consisting of a few of the city guard and three gens-d'armes. An engagement took place, in which one life was lost. On the 19th of June they marched to a town called Giovenazzo. There the authorities collected a force, consisting of the inhabitants of the place, supported by a few

gens-d'armes; an engagement took place, in which the gens-d'armes were entirely successful. Some individuals lost their lives, and others were captured. Thus the defeat of the attempt was owing entirely to the inhabitants, without any military force. His (Sir R. Peel's) answer, therefore, to his hon. Friend (Mr. Milnes) was this, that the Government, never suspecting that twenty-two individuals, who had up to that period resided quietly in Corfu, would attempt to invade the Italian shore with two boats, had never made any communication to those individuals, warning them of the consequences of such an attempt; therefore it was the British Government had made no communication to the Austrian, Neapolitan, or Roman Governments, or to the Governor of our own Colonies; and the reason that no such communication had ever been made was, that the Government had not suspected that such an attempt would be made. The House would see that it was necessary for him (Sir R. Peel) to enter into these details in order to give a satisfactory answer to the question of his hon. Friend. He now assured the House, that any impression that the Government had allured those individuals on, or had abstained from giving them notice of their danger when there was the opportunity of so doing, was entirely erroneous, and without foundation.

SPERM OIL.] Mr. George Smythe wished to ask a question of the First Lord of the Treasury, which was of importance to a large class of persons. It was, whether it was the intention of the Government only to reduce, or altogether to take off, the duty on Sperm Oil.

Sir R. Peel said, the duty on sperm oil was not to be given up at once, but the Government did intend to provide for ultimately relinquishing that duty; but they would postpone it to such a period as not to interfere injuriously with existing interests. He might as well state now, that after the 5th of January, 1849, the duty on sperm oil would cease. [*Laughter.*]

The House in Committee of Ways and Means, Mr. Greene in the Chair,

THE INCOME TAX.] Original question again proposed, that towards raising the Supplies, etc., the duties on property, professions, trades, be continued, etc.

Mr. Roebuck then rose and said,—I

will now state the reasons which have induced me to propose the addition of the words extending the Property Tax to Ireland; and in stating them I shall appeal to the principles of the right hon. Baronet (Sir R. Peel) himself, and therefore shall hope to have his vote for my Motion. I shall appeal also to the landed Gentlemen in this House—the Representatives of the landed aristocracy, or, as it is called, the agricultural interest. I shall appeal to their principles and their declarations, and shall hope for their votes. I shall appeal likewise to the mercantile Gentlemen in this House,—to their principles and declarations, and shall hope for their votes; and lastly, I shall appeal to the Irish Members, excepting only those who may be considered to be the Representatives of the landed interest of Ireland;—I shall appeal to the principles and declarations of the Irish Members, and shall hope for their votes. Whatever my real anticipations may be, I ought to expect a majority on this occasion. What are the principles of the right hon. Baronet opposite? He is about, he says, to meet a deficiency: to meet that deficiency he proposes to continue the Income Tax; but he goes a step further, and says, that while he is about to meet the deficiency, he will also make alterations in the Tariff, in order to increase trade, and give energy to all the great interests of this large manufacturing community. I appeal to the principles which the right hon. Baronet has laid down. He has stated that it is his desire to relieve the springs of industry. That is, I believe, his own expression. He desires to allow them to work unfettered, by fiscal imposts, as far as is possible consistently with the exigencies of the State. To meet those exigencies the right hon. Baronet proposes to levy a tax on Property and Income, which is to apply only to Great Britain—to England, Scotland, and Wales. By some extraordinary circumstance, the right hon. Baronet is induced to make an exception as regards Ireland. The right hon. Baronet laid down a principle, which, he says, is the true one, that all ought to pay according to their means; and I, acknowledging the truth of that entirely, shall throw on the right hon. Baronet the onus of showing what it is that has led him to depart from that principle, and not apply the Property Tax to Ireland. He must show what it is that has induced him to

depart in this remarkable instance from the rule which has governed his conduct hitherto with respect to England, Scotland, and Wales. It is said that there is an exigency; but the exigency is common to the whole United Kingdom of Great Britain and Ireland, and ought therefore to be met by the united means of all. That is the right hon. Baronet's first assertion. These united means, then, would include the property and income of all the united population. The right hon. Baronet, however, deserts his principle, and declaring that the exigency is common, yet proposes only to tax the property and income of the people of England, Scotland, and Wales. I ask the right hon. Baronet to go one step further, and to tax property in Ireland—the realized capital of that kingdom. I do not ask him to tax trades, professional incomes, or offices. I merely ask him to tax the realized capital of Ireland; and I say that the onus lies on the right hon. Baronet to show that the realized capital of Ireland was under circumstances so remarkable as to withdraw it from the principle established by his own declaration, viz., that the exigency of the United Kingdom demanded the means of the United Kingdom to meet it. Having thrown upon the right hon. Baronet the onus of showing in what respect the realized capital of Ireland stands on a different footing from the realized capital of the other portions of the United Kingdom, I shall now leave this part of my statement, and shall approach the next part. I ask the agricultural Representatives in this House, how they can square it with their declarations to vote against my Motion? I hear them constantly whining over their declining condition. With short and bated breath, they go to the right hon. Baronet, and, in mingled tones of hope and despair, they ask for relief at his hands; and when he asks them, "What injury have I done you?"—they say, like a puling infant who has fallen on the floor over a footstool, "You have not kissed the place that is hurt, you have not expressed commiseration." Now, I ask the agricultural Members not to whine in that manner: I will point out to them the means by which they can relieve their constituents without doing injury to a human being, and yet meet all the exigencies which have been spoken of. They complain of the distress of the agricultural interest; and the hon. Member for

Somersetshire described that distress in "touching" phrase, which brought out a "touching" declaration of the way in which the right hon. Baronet opposite was "touched" by the "touching" statements of the agriculturists. I hope to have the vote of the hon. Member for Somersetshire. He complains—of what? The misery of the agricultural classes; and the right hon. Baronet turns round, and says, "I acknowledge your statement to be very true; but what do you want?" "Oh," says the hon. Member, "I cannot propose the remission of the Malt Tax—I cannot propose anything, but I think you might have expressed sorrow." Sorrow! Is this the condition to which this preponderating interest have fallen? Sorrow to be expressed by the right hon. Baronet! By him who is the work of their own hands; into whose nostrils they breathed the breath of life; who was made Minister by their word; and who was put into his present office because of their expectations that he would be their humble tool. Now they find that the right hon. Baronet has an opinion and a will of his own; and now they might say, "We made you—we called you into existence; but, like the man in the fable whom the philosopher created, you are about to strangle your creator." The right hon. Baronet is another Frankenstein. Now, I appeal to these hon. Gentlemen, and I hope they will now have more courage, and act more like an independent body, as they describe themselves, and more in conformity with that preponderating influence which they assume, and which I admit them to possess, in this House,—and this House, be it remembered, governs the country,—I ask them to pluck up a little courage, and no longer to crawl on their bellies before the right hon. Baronet. If they do not exhibit a little independence, what will be said of them out of doors? It will be said that these gentlemen, "whose talk is of bullocks," have not intellect enough to govern the country—that they are obliged to get a leader, and when they have chosen him, they find that, like King Stork in the fable, he is very destructive to them. Now I am about to appeal to the courage of the agricultural party. They complain of the misery of their tenants—they do not talk of their own; but when I allude to the landed interest of Ireland, I will mention what an Irish Representative said about the advantage

which the Income Tax, imposed on England, Scotland, and Wales, has been to him. Whatever may be the opinions of that Irish Representative, I certainly have not found any English gentleman ready to say that he is gratified by the Income Tax—because it relieved him from the pressure of mortgages, and enabled him to borrow money at a lower rate of interest. But I am now about to appeal to the English Gentlemen. They say that they feel for their tenantry, and for the agricultural labourers, whose wages are lowered because of the diminution of means of their tenants, occasioned by this Income Tax. How, then, can you relieve the agricultural tenant? By extending the tax to the realized capital of Ireland. If the Representatives of the agricultural classes object to this proposition, how could they ever appear before their constituents and make such a declaration as this:—"It is true that a proposition was made for your relief, by taxing land in Ireland quite as fertile and valuable as any acres in Somersetshire, Sussex, or in any part of Great Britain; but I was so compelled to vote for party purposes that I could not relieve those agricultural labourers, and that agricultural tenantry, whom I have all along pretended to represent in the British House of Commons?" I should now like to know what the manufacturing interest in this House will say to my proposition. They are delighted with the scheme of the right hon. Baronet for relieving the springs of industry. Manchester is bribed; Glasgow is bribed; Newcastle is bribed; Sunderland is bribed; and yet you, the manufacturing Representatives, say, that unless your labouring population worked a very considerable number of hours a-day, you could not compete with foreign nations, you are so pressed by taxation. Very well. I admit that your statements are very "touching," as the right hon. Baronet would say; but why not aid me in lessening the impositions on English labour; for I say that the tax, extending as it does to incomes proceeding from professions, trades, and offices, diminishes the capital which might otherwise be expended in giving better wages? If you are honest, then, you will aid me in applying the Property Tax to the rich Irish landlord. I will now appeal to the Irish Members, always excepting the Irish landlords. I can well understand that

an Irish landlord should see a great benefit in the English Income Tax. The gallant Member for Donegal (Colonel Conolly) fancied that there was some hallucination on the minds of the Members of this House when they burst into laughter at his declaration the other night. It was a laugh such as men give way to on the scaffold. Men are sometimes merry at the hour of death; and we could not help laughing at a man coming here and with a grave face telling us that he considered it a mighty benefit that the English people should pay a tax for his advantage. I have no doubt that the hon. Member for Donegal called together his creditors on the occasion—[*Col. Conolly*: I have none;] or, if he has none, probably some of his friends have; for the hon. Member stated that the English Income Tax was a great benefit to the Irish landlords, and that it enabled them to get money cheaper. That means, that an Irish landlord, having mortgaged his estate, and having been in the habit of paying five per cent., might now go to his creditors and say,—“The right hon. Baronet at the head of the Government has put on an Income Tax in England, Scotland, and Wales, which relieves me in such a way that I can get money for so much less, and should now have my debt lessened.” That is what the gallant Member means by describing the English Income Tax as a benefit to Ireland. I am not going to appeal to that class of persons. Any appeal I could make to them would be useless. If I were a money lender, I might possibly make an appeal to them, but, not dealing in that commodity, I cannot reach their understanding. But I appeal to those who pretend to represent the Irish people. I attend carefully to what falls from the right hon. Baronet opposite. All his phrases are significant. I watch him, but not to find, as an hon. Member expressed himself the other evening, that he is a difficult bird to put salt on his tail. “Did we not agree,” said the right hon. Baronet, “to put Stamp Duties on Ireland, when we put the Income Tax on England?” Now mark; I ask you to tax the land in Ireland; but the right hon. Baronet taxed that portion of the capital in Ireland which is engaged in the employment of labour in Ireland. The Stamp Duties are a tax on the transfer of all sorts of property, and a large portion of it was paid by the

middling and labouring population. I ask you to relieve Ireland of that tax, and to place it on the land. The right hon. Member for Dungarvon advised me the other night to read, previous to bringing forward my present proposition, Burke's speech on the conciliation of America. Now, whenever an individual makes an observation, I like more to consider his meaning than his mere expressions. What then did the right hon. Gentleman mean when he reminded me of America? Revolution! and that the English Government was to be frightened into an unjust tax upon the English people, because the Irish were in a turbulent state; and that for the same reason the English Government durst not impose a just tax on Ireland. That is my interpretation of the right hon. Gentleman's observation. But I believe that the right hon. Gentleman himself could not have well considered Mr. Burke's speech, for the grand argument in it is that America was not represented in this House. Will the right hon. Gentleman say that Ireland is not represented? [Mr. *Sheil*: Not equally.] Not equally, says my right hon. Friend. We have given Ireland some Members. Where be they? [An hon. Member: What's the use of their coming here?—What's the use? Why, has not my hon. Friend near me (Mr. Hume) been in a minority all his life, and has he therefore done no good, I ask? What would be the use, I say, of giving Ireland more Members, when those we have given her we have not got here? They have run from their posts, which they have deserted, like a sentinel placed in a dangerous position, who could not keep up his heart to look at the difficulties of his position, but threw down his musket, turned tail, and ran away. Shame be on the coward who deserts the people of Ireland on that spot where their battle must be fought! And I honour the right hon. Gentleman who, as an Irish Representative, continues to take his seat in this House; and I honour too another hon. Gentleman, also an Irish Representative, who has been subject to base phrase for performing his duty here. Why have the Irish Members to whom I have before alluded deserted this House, and frequented the Conciliation Hall? Because, with the exception of the hon. and learned Member for Dublin—whom, of course, I do not include in the following observation,—because, in this House, they are

totally unable, by their personal insignificance, to gain attention. Now, that I take to be the *rationale* of the Conciliation Hall. They have left here because of the feeling which they have generated in this House; and I hope that hon. Members will not hereafter adduce the unequal representation of Ireland as a justification of unequal taxation of the people of England. Now, what I am about to propose, Sir, will not be an injustice to anybody. If it were unjust, I at once acknowledge that it ought not on any plea to be sanctioned; but I deny that the Irish Members can show me that my proposal will be unjust. If they point to the Stamp Duties, I say change them. They fall now in a large proportion on the active capital of the country. Put the impost on the landlords of Ireland. I again appeal to those who talk to me of injustice to Ireland, whether it be not that England has unduly favoured the landlords of that country. They have had the power—they have governed the country—they have had conceded to them by this House a large portion of the tithe of the country to which they had no claim. Is it, then, for the landlords of Ireland to turn round and claim exemption from taxation; to ask that they should not be taxed in the same way as the landlords of England are taxed, or as the hard-worked peasantry of England are taxed? Is the Irish landlord to have the debt he owes to the State paid by the English peasantry?

"By heaven, I had rather coin my heart,
And drop my blood for drachmas, than to
wring
From the hard hands of peasants their
vile trash
By any indirection."

I appeal, then, to that powerful interest who have great strength, though not much moral firmness—I appeal to the agricultural interest, ay, and to the manufacturing interest, who are shortsighted enough to be caught by this small bribe—I use the short phrase—and diverted from all those great principles which ought to sanction our conduct, and who are ready to sanction extra taxation of this community for the purpose of relieving the landlords of Ireland,—I appeal to them; and I repeat, that my fight is only with the untaxed landlords of Ireland. I will not apply my remarks to those who employ capital in manufactures, or trade, or to professional men, or to official persons,

however much might be said with regard to them; I only fight the untaxed landlord of Ireland. Now, mark, in the first place he has no assessed taxes. Hon. Gentlemen may bring their Irish horses and Irish carriages over here. They may enjoy here all the luxuries of their station. The right hon. Gentleman the Member for Dungarvon (Mr. Sheil)—I think he will allow me to call him my right hon. Friend—he may bring over his horses and his carriages, and enjoy them free of taxation. Why should I, if I could afford to have horses and carriages, be placed in a different situation? He may bring over his three horses and not pay for one of them; but if I should require a horse to ease my infirmities, down comes the tax-gatherer and compels me to pay for them. Now, on what principle is it that Irish landlords are placed in this position? They may enjoy London life; they may occupy their lodgings here; and, when the fine weather comes, they may go to France, or to Brussels, or up the Rhine, and they pay no taxes. But I, if I leave my house, if I can providentially get abroad,—I leave it in the iron grasp of the tax-gatherer. Quarter-day comes round, and, whether I am at home or not, round comes the tax-gatherer. The Irish landlord, on the other hand, can leave his own country—can come to London, go to Paris, to Vienna, to Naples, back to Dublin, and then again to London; but no tax-gatherer follows him. How gay his condition! How happy his estate! But look to the condition of the peasantry of his country; to the vicissitudes that attend the professional life in this country; to the hard-worked days and nights of the manufacturing population, the anxieties of trade, the sleepless nights of the merchant who has his ventures on all the seas—looking at all these things, I turn round to this gay lord of many thousands, and ask how he has the face to talk to the House of Commons of the advantages of the Income tax? I hope that sometimes he may feel some motion of shame on this account, and that if he does derive advantage from the injustice, he will at least not have the face to glory in it. Sir, I will not trouble the House further, but move the addition of the words of which I have given notice.

Mr. Sheil: Sir, my hon. Friend—he will permit me to reciprocate the phrase of Parliamentary endearment — has often

expressed his solicitude for Ireland; but as the dismal agriculturists, by whom that locality is occupied in this House, which, in the vocabulary of an American review, may be designated as “the bench of repentance,” have reason to offer up a prayer that “Heaven should save them from their friends,” in that proverbial ejaculation Irishmen have cause to coincide. My hon. Friend is determined to give us, in the form of an Income Tax, the benefit of British institutions—a benefit analogous to that which we derive from the English Church. My hon. Friend has thought it judicious to advert to his “absent friends” in Ireland in language of exceedingly unqualified and exceedingly unprovoked condemnation. I do not agree with them in the view which they adopt, because I consider it to be wiser to attend in Parliament, and to do my utmost to obtain redress for the grievances of my country; but if my hon. Friend will reflect a little, he will see that his censure of Mr. O’Connell and his associates is most undeserved. The case they make is this—they insist, and with melancholy truth, that year after year they have endeavoured to obtain justice for their country, and that all their efforts have been vain; that the Irish Members are swamped and overwhelmed by a great and prejudiced English majority; that Ireland has not an adequate representation in this House; that while Wales sends thirty-three Members to Parliament, with a population of 700,000, the great county of Cork, with 800,000, returns only five Members; that while towns in England, with a population of 2,000 or 3,000, return two Members, there are towns in Ireland, Carrick-on-Suir and Thurles for example, with a population of 12,000 each, which do not return a single Representative; that the elective franchise of the two countries is not the same, and that Ireland has a miserable constituency, because you deny her a fair Registration Bill. This is the justification of my Irish Parliamentary friends, who conceive that a bitter Parliamentary experience affords a warrant for their recession. The hon. Member for Bath has often expressed a coincidence with the views of Irish Members in reference to the denial of justice in these important regards; and when these men remain in their own country, he surely ought not to visit them with such unmeasured reprobation. I do not coincide in the view which they

have adopted respecting the policy of staying away; but, while I state this, I cannot forbear from adding, that there is more than plausibility in the suggestion, that it is better to array the people of Ireland, and form them into a vast and united mass, in order by a "gentle violence," a pressure from without, the Minister may be induced to afford redress where redress is so much required, than to deliver themselves of speeches in this House which will not be followed by any practical advantage to the country. I have thought myself bound to state thus much on behalf of the men of whose love of country I have seen such proof, and I turn to the proposition of the hon. Gentleman. My hon. Friend the Member for Kendal wishes the Income Tax to be perpetual; my Friend the Member for Bath wishes it to be universal. "Eternity!" cries out the one—"Infinity!" exclaims the other. The hon. Member for Bath would spread the perpetual blister over the whole imperial frame. But not the whole of the blister, because while schedule D. and all the other schedules are fastened upon England, he would put schedule A. only upon my impoverished and emaciated country. He is in this particular singularly inconsistent with himself. My hon. Friend has adverted to a recommendation I presumed to give him. I ventured, indeed, to tell him, that he might usefully avail himself of the interval which should elapse between Tuesday morning and Wednesday night, in order to peruse with attention the great speech of Edmund Burke upon the conciliation of America. I submit that in my judgment that speech might have been perused by my hon. Friend with singular benefit to himself, because there are contained in it many most salutary admonitions, given by that great and prophetic statesman with an almost unparalleled eloquence. Bright as was his imagination, and although subjects the most obscure were illuminated and became transparent in the blaze of his fancy, yet his philosophy was as profound as his power of illustration was astonishing; and his wisdom was not the less oracular for the magnificent embellishment of the temple, the gorgeousness of the shrine, from which his predictions were announced. My hon. Friend has intimated that I meant more in speaking of Edmund Burke and of America than I expressed. I was sufficiently intelligible, and do not shrink from the con-

struction which my hon. Friend has put upon the reference which he thinks it adventurous on my part to have made. But I might have referred the hon. Member for Bath to the authority of another great statesman—the distinguished advocate of Lower Canada and its Assembly in this House. Of that eminent person the hon. Member for Bath may think humbly, but everybody else must form the highest estimate of him. In the speeches of the champion of Lower Canada principles will be found, which it were well if the hon. Member for Bath were to apply practically to Ireland. He warns the Government not to lay their hands on the revenue of Lower Canada—I warn him not to attempt to extort from Ireland a revenue which she cannot afford, and which we ought not to be compelled to pay. No Minister by whom an Income Tax has ever yet been proposed ever thought it possible to extend it to Ireland. Before the Union, Mr. Pitt, although he had fatal proofs of the ignominious complaisance of the Irish Parliament, which surrendered itself at last in a moment of fatal and weak compliance, never availed himself of his influence, and of those seductive means at his disposal, to induce the Irish Parliament to impose an Income Tax upon Ireland. After the Union the Income Tax was repealed at the peace of Amiens, because it was held to be a war tax,—a tax to be reserved for danger, a tax sacred to public peril, and to which, excepting in a season of great emergency, no Minister was justified in resorting. The tax was, however, renewed when the war broke out again, and the terrific struggle with Napoleon was renewed. Yet in the midst of the fearful exigencies of England the Income Tax was not extended to Ireland. It was renewed by Mr. Fox, by Mr. Perceval, by Lord Liverpool, yet by no one of those Ministers was the Income Tax extended to Ireland; and when the right hon. Baronet became Prime Minister, and propounded his projects of fiscal innovation, he explicitly declared that this grievous impost should not be inflicted upon the sister island. I do not rely upon the fact that there is no machinery in Ireland adapted to its exaction. The imposition of an Income Tax upon Ireland would be unjust; and, what is unfortunately of still more importance in the estimate of public men, would be in the last degree impolitic and unsafe. The Income Tax in Ireland would be most inequitable. Before the

Union Ireland had a surplus revenue expended in Ireland, and the country flourished. You induced us to enter with you into a ruinous copartnership, of which you have had all the profits, while we have deeply participated in the loss. The impolicy of England plunged her into debt, of whose load we are compelled to bear a part; had we remained in the enjoyment of our legislative independence, of your ruinous expenditure we should not be the victims. It is most unfair that you should now call on us, after all the detriment which we have already suffered, to bear a portion of the vast cost incidental to this experiment. You drain us through the absentee system (an inevitable attendant on the Union) of millions of money, which, instead of circulating through Ireland, swell the overflowings of the deep and broad Pactolus of British opulence. You have transferred all our public establishments to this single point of imperial centralization; the revenue which Ireland yields is expended not in Ireland, but here; and of this evil I cannot present to you a more striking exemplification than in appealing to the fact that the Crown-rents and quit-rents of Ireland have been laid out on the splendours of Windsor Castle, and the embellishment of this vast metropolis. I may parenthetically suggest to the head of the Government, that in the quit-rents and Crown-rents of Ireland, he has a fund at hand with which his projects in reference to education can be readily and largely accomplished. When from Ireland you already take so much, it would be most unjust that you should endeavour to extract still more. But, if the proposition be most unjust, it is still more unwise. If Swift with Wood's halfpence was able to do so much, what would not the man of whom Swift was the precursor be able to achieve with the Income Tax? The pressure of the Income Tax would cause Catholicism, Protestantism, and Calvinism, to coalesce into one vast compact of formidable discontent. Who can doubt that the Member for Donegal, the instant the Income Tax was extended to Ireland, would burst into a Repealer, and enroll himself among the burning patriots of the Conciliation Hall? In 1782, the Protestants and Catholics of Ireland extorted the independence of the Parliament of Ireland; and there are those who not only hope, but believe, that before they die, the restoration of that Parlia-

ment in its independence may be extorted from you. Have a care then how you deal rashly with Ireland. Do not, for the sake of a small accession to the revenue, do us an injustice, and a signal detriment to yourselves. There are other means of obtaining a revenue from Ireland besides an Income Tax. There is an alchymy in good government. By doing perfect justice you can largely save, and saving is equivalent to gain. Justice is a good housewife. My hon. and frugal Friend, the Member for Montrose, has often told you, that you can by adopting a sound policy in Ireland effect a great reduction, and reduce your army to a force comparatively small. He has often said, that as in Scotland 2,000 men are quite sufficient, the army in Ireland might be reduced in the same proportion. On Friday last, indeed, my hon. Friend in his enthusiasm forgot his old topics, and almost forgot himself. He said nothing of retrenchment, nothing of the economy of justice to Ireland. Although politically as vigilant in keeping watch over the public treasure, as the dragon by which the Golden Fleece was said of old to be guarded, my hon. Friend yielded to the "magic arts" and to the eloquent enchantments of the fascinating financier. But now that he is recovered from the spell, I trust that he will take the same view as I do in reference to the facility with which a large revenue could be obtained from a country whose resources, through misrule, remain undeveloped. If you will but endeavour to adapt your institutions to Ireland, instead of labouring to adapt Ireland to your institutions—in that antithesis you will find that a great deal of truth is condensed—if, I repeat, instead of adapting Ireland to your institutions, you do but try to adapt your institutions to Ireland—if, instead of inflicting a temporary tranquillity, you confer a perpetual peace, you will obtain from Ireland a revenue far exceeding anything which, by the torture of this inquisitorial imposition, it would be possible for you to obtain. Peace, true peace—peace founded upon justice, and equality, and national contentment, has an enriching as well as a civilising and ameliorating attribute. Peace will pay you large import duties—peace will consume in abundance sugar, and coffee, and tea, and every article on which a charge will remain—peace will draw from the earth twice its ordinary return, and

while it shall give you more food, will take more of your manufactures in return—peace will enlarge and give security to that market which is already the best you possess—peace will open a wider field to your laborious industry and your commercial enterprise, and for every benefit you confer upon us, for every indulgence you shall show us, for every gift you bestow upon us, with an usury incalculably profitable, by peace you will be repaid.

Sir John Tyrrell believed that the observations which had fallen from him the other night had in some degree led to the present discussion, and to the Motion of the hon. and learned Member for Bath. No hon. Member would regret the gladiatorial exhibition of eloquence by the two hon. and learned Gentlemen on the present occasion. He had no hesitation in saying that he agreed with the views expressed by the hon. and learned Member for Bath; and although he (Sir J. Tyrrell) did not in his own person exhibit an instance of agricultural distress, yet it would be conceded to him that such distress did prevail; and Gentlemen would agree with him that distress was in the habit of making men acquainted with strange bedfellows. He would take the opportunity, therefore, of explaining how it happened that on this occasion he should be found associated with the hon. Member for Bath. He was aware that there were many who were ill inclined to support a Motion of that hon. Gentleman, because he was supposed to entertain extreme opinions; but he for one, and he believed others connected with the landed interest, was ready on this occasion, in the eloquent words of the hon. Member for Bath, to pluck up courage and to vote with him. He trusted that no friends of his, in the nautical phrase, would be found "to 'bout ship," but that their names would be seen in the right place in the Division List to-morrow morning. The right hon. Member for Dungarvon had contended against the Motion, not merely on the ground of abstract justice to Ireland, but because it would be a breach of faith to adopt it; inasmuch as it was in opposition to the provisions of the Act of Union. He (Sir J. Tyrrell) took a very opposite view of the nature of that Act: he recollected, and perhaps others would not have forgotten, when the late Mr. Bankes (father of the present Member for Dorsetshire), in bringing forward the question of extending the Property and Income Tax to Ireland, required the Clerk at the Table to read the 7th Article of

the Act of Union, in order to show that a proposition of this kind was not in violation of it. If that Article were now read, the argument of the right hon. Member for Dungarvon would fall to the ground, and he would not have a leg to stand upon. The right hon. Baronet at the head of the Government had over and over stated, of late years, that it would be most unjust to Ireland to impose upon her an Income Tax. Sir R. Peel cheered the expression *unjust*, from Mr. Sheil. So you will find it reported in the *Morning Post*. That expression he had very recently heard repeated, and vociferously cheered; nevertheless, it ill accorded with what had fallen from the same right hon. Baronet in 1833, when in the debate on the Budget he said,—

"It hardly could be contended that if a Property Tax were established, Ireland ought to be exempted from its operation; he wished to see Ireland as much favoured as possible, consistently with justice; but to impose a Property Tax on England and Scotland, and to exempt Ireland, would, in his opinion, however unpopular that opinion might be, be extremely unjust."

Such was the opinion of the right hon. Baronet in 1833, and why he had since altered it he had never explained. The purpose of the hon. Member for Bath was not to touch the poor, but to deal with the rich, of Ireland, and in his speech he addressed himself to various sections of the House. He (Sir J. Tyrrell) might make a similar appeal, but not to the same sections. Among others, he might point to the occupants of the Treasury Bench, and to the expecting occupants of it, who appeared to consider the places upon it rather too much in the light of family seats. If the present Ministers abandoned those seats, they were soon filled by the same parties who not long since had been expelled from them; and there seemed generally a pretty good understanding between the Leaders on both sides. The Members of the late Government, perhaps, too, frequently supported the right hon. Baronet on the voluntary principle; while he (Sir J. Tyrrell) and his Friends too frequently supported him on the compulsory principle. In addressing the House he had this advantage, that as an agricultural Member, nothing was expected from him, so that if he happened to say anything tolerable, it was sure to pass current for its full value. Unless the country were much deluded (and he noticed it only as what

had been called a delicate touch), there was at this moment a negotiation pending between the noble Member for London (Lord J. Russell), and the leaders of Conciliation Hall; if he had seen that noble Member in his place, he would have ventured to ask him if the negotiation was in such a state of forwardness as to enable the noble Lord to lay the proceedings on the Table. The object, of course, was to obtain the co-operation of the noble Lord; and he believed that if time had been allowed, the walls of Parliament would already have been ringing with cries of justice to Ireland: and the beautiful and often quoted lines—

“Hereditary bondsmen, know ye not

Who would be free himself must strike the blow?”

would not have been heard from the lips of one man only; but now it appeared that freedom for Ireland meant freedom from the Income Tax. The right hon. Member for Dungarvon admitted that it touched the pocket; but he utterly failed in making out any case of deserved exemption. He would be the last man to impose a tax on the lower orders of Irish; but here the aim was directed at the landlords of Ireland, and unless they came forward on the present occasion they would show little of the sympathy they boasted for the poor. If this Motion were carried, there would be little danger of any of the outbreaks that had been threatened by the right hon. Member for Dungarvon; for those who had to pay the tax were bound to keep the peace by the best possible security—their own interest. He trusted, that before the debate closed, some hon. Member would endeavour to answer the unanswerable speech of the gallant Member for Donegal (Colonel Conolly), which still remained in the full plenitude of its power and eloquence. He begged pardon for detaining the House so long, but before he sat down he wished to say a word or two on a matter of business. He was clearly of opinion that in the Budget of the right hon. Baronet there were two taxes the remission of which would be of material benefit to Ireland; he alluded to the imposts upon sugar and glass; she could therefore the better bear an Income Tax, which, being derived chiefly from the land, would not fall with any severity upon the labouring classes. On the mere ground of justice he rested the imposition of a Property Tax on Ireland; but of course he only spoke for himself; and if hon. Gen-

tleman by whom he was surrounded, held that an understanding was more binding than a written document, of course they would act upon their own judgment. The hon. Member for Bath had said, that they were crawlingly alive, but he (Sir J. Tyrrell) knew that they were feelingly alive to anything like a charge of breach of faith. He did not take the same view, perhaps, as others; and he should vote for the Motion of the hon. Member for Bath.

Mr. W. Williams had listened with attention to the speech of the right hon. Gentleman; the Member for Dungarvon; and certainly he expected that that right hon. Gentleman would have been able to offer stronger grounds for his opposition to the proposition of the hon. and learned Member for Bath, for imposing the Income Tax on landed property in Ireland. His own opinion on the question was not very strong, although he did think that a gentleman in Ireland enjoying an income of 1,000*l.*, 10,000*l.*, or perhaps 20,000*l.* a-year, ought to pay his tax in preference to a person in this country who held an office of 160*l.* per annum, or a tradesman who, by great industry, made a profit at the end of the year to that amount. But, whatever objection there might be to the proposition of the hon. and learned Member for Bath, it would surprise him if the right hon. Gentleman or the right hon. Baronet was able to offer any just reason or objection against the proposition which he (Mr. Williams) should submit to the Committee. It was this, that all persons receiving public money in Ireland should pay, on the amount of their receipts of public money the same Income Tax which was paid by persons similarly circumstanced in Great Britain. He should like to know what argument there could be for any person holding a public office, and who was paid his salary out of taxes taken from the pockets of the people of England, not being subject to this tax in common with the people of Great Britain. In the statement he was going to make he might in some respects be incorrect, but he called upon the right hon. Gentleman the Chancellor of the Exchequer, to set him right, if he should be so. He had looked at the Income Tax Act with great attention, and he had been at most of the public offices to ascertain the practical working of that tax; but he confessed he was not able to obtain any clear information on the subject. Now, he would

ask the Government to state to the Committee why the Lord Lieutenant of Ireland, with, he believed, a salary of something like 20,000*l.* a-year, and a great number of Gentlemen who were also receiving large salaries in his establishment, were not subject to this tax. Take the Chief Secretary for Ireland; he received a salary of 5,500*l.* a-year, and yet did not pay this tax; but compare the duties of that office with those of the right hon. Baronet the Secretary for the Home Department, who received 5,000*l.* a-year. No one would contend that the duties of the former were in any degree to be compared with the latter; and yet the right hon. Baronet paid this tax, whilst the Secretary for Ireland, who received 500*l.* a-year more for doing, probably, only one-half or one-third of the work, was not liable to it. He should like to know why the Judges and Officers of the Courts of Justice in Ireland, who received among them 158,000*l.* a-year in salaries, were not liable to this tax, like clerks in public offices, or gentlemen holding similar situations in England? The Lord Chancellor of Ireland had 8,000*l.* a-year, and was an Englishman, but he did not pay this tax. He believed that many high and distinguished officers in Ireland were Englishmen, but because they resided in that country they were exempt from the payment of this tax. Then take the pensioners—there was a long list of them. They, also, he believed, were exempt. But what surprised him above all the rest was this, that in Ireland 1,260,000*l.* was paid annually for interest on the public debt, and every person who resided in Ireland, who received any part of it, was exempt from the Income Tax. Take again the debt of the Bank of Ireland. The Government had borrowed from the Bank of Ireland, in consideration of the charter to that Bank, 2,600,000*l.*, at an interest of $3\frac{1}{2}$ per cent.—that was exempt from the payment of the Income Tax; while the Bank of England, upon the same species of loan for which it only received 3 per cent., paid the tax. He should like to know upon what ground of justice that state of things could exist—that they were to exempt all those persons who were paid by taxes taken from the pockets of the people of Great Britain, for he would show, if not wholly, yet that it was pretty nearly so. How did this case as to taxation stand? From 1802 to 1841 inclusive, embracing a period of forty years, after the union of the

two Exchequers—during fifteen years of that period, Ireland paid 1-12th of the taxation of the United Kingdom. For twenty years she paid 1-13th, and for five years she only paid 1-14th. At the end of the financial year, January 5, 1844, the taxation paid by Ireland was 4,097,000*l.*; while the taxation paid by Great Britain during that time was 51,300,000*l.*, being in the ratio of about one to thirteen. He would go as far as any hon. Member in obtaining justice for Ireland in every respect; but in regard to taxation she was in a most remarkable degree protected. He believed, moreover, that Irishmen obtained their full share of the patronage of offices and places. He was satisfied that if public officers, and those who received public money in the United Kingdom, excepting the Public Debt, were looked into strictly, it would be found that Irishmen received pretty nearly one-third of the whole amount. [“No.”] He had no doubt about it, and in point of fact he believed that no class of men were more industrious in besieging the office of the Secretary for Ireland, and that none were more successful. He would be the last man to press upon Ireland; but the statements he had made appeared so unjust towards the people of England, and so much in opposition to that equality which Ireland had always demanded from us, that unless the Chancellor of the Exchequer could satisfy him, by some reason which he could not discover, that this was justice to England, he must persevere in his Motion. Much had been said about the additional Stamp Duty in Ireland; but what did it amount to? In the year before the new tax was imposed, the Stamp Duty in Ireland had produced 447,000*l.*; and in the last year, 539,000*l.*; the augmentation was only 92,000*l.*; and of that trifling sum this country might well make a present to Ireland, if an Income Tax were imposed there, as he proposed, as an equivalent. As to changes in the Tariff, he regretted that the right hon. Baronet had not gone further; 642 articles out of the whole 813 only yielded 75,000*l.* With this small reduction from the Revenue, the whole of that number might be cleared from the Customs' Tariff. It was not easy to estimate the expense and the inconvenience of collecting such small items of duty. And there was no doubt that the number of articles in the Tariff might be reduced to fifty, without occasioning a loss to the country of more than 500,000*l.* The

cost of collecting the Income Tax, the Stamps, and the Assessed Taxes, amounted only to 430,000*l.*, though they produced 16,850,000*l.*, more than one-fourth of the whole income of the country; and if the whole 55,000,000*l.* of our taxes were collected at the same rate, the collection would only cost 1,670,000*l.*, instead of which it cost 3,670,000*l.*—upwards of 2,000,000*l.* being thus lost to the country, [Mr. Ross: Question.] He had no doubt the hon. Member was impatient to address the House; but the question he was discussing, perhaps the hon. Gentleman was not aware, was just that before the House. By a reduction of articles of Customs and Excise, he contended, a vast saving might be made in the expense of collection. He wished the right hon. Baronet to carry out the principle he had so well stated in his opening speech. Some had taken exceptions to the taxes proposed to be abolished; but he (Mr. Williams) gave the head of the Government credit for wisdom and prudence in the selection, and was moreover especially satisfied that the whole, and not merely part, of the duties had been abolished. There was one article in which he had been anxious to see a change—he alluded to tea; for while the poor man was paying a duty of not less than 250 per cent., the rich man paid a duty of no more than 70 per cent. He was sorry that he could not give Government his approbation of their proposed expenditure, which was estimated this year at 49,690,000*l.*, exclusive of about 4,300,000*l.*, which was intercepted, and never found its way to the Exchequer; in the whole, therefore, the expenditure this year was calculated at 54,000,000*l.*, and fifty of those millions were derived from taxes on the people of Great Britain. There was not, in the history of mankind, an instance of such a weight of taxation being sustained by so small a population. In his celebrated pamphlet the right hon. Secretary for the Home Department had stated the taxation in 1813—one of the highest taxed years of the late war—at 81,700,000*l.*; but at that date paper money was depressed, he said, 36 per cent.; which reduced the taxation of that year to 52,000,000*l.* of our present money, so that at this moment, when we were in profound peace, the nation was contributing, in intrinsic value, a higher amount of taxes than in 1813. This state of things proved the utter reck-

lessness of Ministers on the score of expenditure, and loading the people with oppressive taxation. In 1835, the expenditure was about 5,300,000*l.* less than it would be in the present year; and it was to him inexplicable how so great an increase could be justly required. He would not oppose the proposed increase for the Navy, for it was the great bulwark of the country. We ought not to have less than ten sail of the line in an efficient state. But how did it happen that this year the proposed vote was 200,000*l.* more for the Navy than it was in 1841, when we had twenty-six ships of the line at sea? He should like to hear that explained. Again, he would take the Army. In 1829, the whole military force was 109,000 men; in 1835, it was 100,990—in both those years the present men in power prepared the estimates;—and under the Administration of Lords Grey and Melbourne, taking the average of the ten years they were in office, the number was 105,059 men. Now, what was it to be this year? The estimate was 129,480 men, 2,500 marines more, and 10,000 armed pensioners more. And what were the reasons assigned by the right hon. Baronet for this immense increase of force? He said that one regiment had been stationed in India for twenty-four years—a statement which had been very often made before. Then the right hon. Baronet stated that in 1830 we had thirty-four Colonies, and at the present time we had forty-five. He did not know where the right hon. Baronet would find them. He was quite sure he must have looked into some very small nooks and corners to find that number. But there was the same number of Colonies in 1835, requiring defence, excepting New Zealand and Hong Kong, with four or five hundred men sent to each. He could not, therefore, see that there was any reason for so great a standing army in a time of profound peace. After the Motion of the hon. and learned Member for Bath was disposed of, he should submit a Motion to the Committee, to the effect that all persons receiving public money in Ireland should pay the same rate of Income Tax as was paid in this country, which he thought was but just to the people of Great Britain.

Mr. Ross would not say anything at present upon the proposal to tax incomes in Ireland arising from official employment. At first sight it appeared reasonable enough,

and perhaps he might be found voting with his hon. Friend. As to the proposition of the hon. and learned Member for Bath, he did not think, if he had been in the position occupied by the right hon. Baronet at the head of the Government, that he could have wound himself up to have made the proposal which he had made to-night. He thought there were grave questions of public policy which ought to weigh against the abstract justice of the hon. and learned Gentleman's proposal. Where people were living united together under the same laws, and enjoying similar privileges, he would not contest the justice of the proposition that every man should be taxed according to his means; but both the hon. and learned Member for Bath, and the hon. and learned Member for Coventry, had materially erred in reference to Irish taxation. If the hon. Gentleman had read the book upon finance written by Mr. John O'Connell, they would not have expressed themselves as they had to-night. He agreed in what had been stated by Mr. Robinson as to the taxes repealed in 1823, that they were so small as not to have been worth collecting. Let them suppose the assessed taxes to be imposed upon Ireland: the consequence would be that a great number of servants would find their way to the poor-house, and horses and carriages would be sent over for disposal in this country. Now it had been said, with reference to the Irish Stamp Duties, that they did not affect the landed interest. He was sure, however, that everybody who had anything to do with attorneys must know that such was not the case; and every man who had his property divided into small portions must have felt the burden of the tax in the stamps required for his leases. He, might, perhaps, be permitted to advert to a tax recently imposed, which had fallen with peculiar severity upon the possessors of land in Ireland—he alluded to the poor-rate. A man might be possessed, as was frequently the case, of 500 acres of land, but in consequence of the improvidence of his ancestors, he might not be in the receipt of an income greater than would have been derived from a fifth part of it; and the tax to which he referred was not upon the income of the man, but upon the whole property; he therefore paid ten per cent. upon the whole rental, whilst he only received the value of 100 acres. He thought it would be exceedingly injudicious, under any circumstances, at this period, when they had the assurance of the right hon.

Baronet that the Income Tax in England would not be continued for more than three, or at farthest five years, to impose it upon Ireland also. He could not help saying, that it appeared to him that the mode in which the discussion had been carried on to-night would be highly injurious. The mode in which the hon. and learned Gentleman had spoken of the absentees would, he believed, exasperate the ill-feeling which prevailed to a considerable extent, and he hoped, before the debate closed, they should find a more conciliatory tone assumed, and words of more healing power used. If the measures which were now, he was happy to say, in contemplation for Ireland should be found available, and the public mind become soothed, and a better feeling towards this country existed on the other side of the channel, then, at some future day, when Ireland was relieved of present grievances, and was prosperous and happy, he might be found voting for the imposition of any tax of a permanent nature that might be sought to be imposed upon the United Kingdom.

Viscount *Bernard* said, that representing as he did an influential and respectable constituency, he could not sit quietly by and listen to the sentiments which had been expressed, and the arguments urged, with regard to the landlords of Ireland. He felt it was his duty to vindicate them from the charges which had been brought against them; and he rose to say a few words with that object. And first, he might be permitted to allude to an assertion of the right hon. Member for Dungarvon (Mr. Sheil), that because many Irish Members had chosen to absent themselves, Irish interests were not fairly represented. In reply to which he could only say that he held the only seat in Munster in the hands of the Conservative party. He denied, on the part of the Irish landlords, any wish to shrink from bearing their share in the legitimate burdens of the country. If a great national scheme was to be carried out—if a measure was to be proposed, from which great and important benefits were expected—if by the continuance of the Income Tax, and the removal of a large portion of taxation, the revenue of the country could be brought to a more healthy state, he, for one, could say—and he thought he was representing the opinions of the majority of Irish landlords—that he would be willing to bear equally with his fellow-subjects all the burdens of taxation—that he would not hesitate to do so—nay, that

he would be ashamed to shrink from contributing his share to the national funds. But what were the facts of the case? Had not the right hon. Baronet explained that it was inexpedient, for various reasons, to place an Income Tax on Ireland; but that he had found out a tax which was fully equivalent to it in its revenue? The hon. Member for Bath proposed one of two things—either to place a tax merely upon the real property in Ireland, or to carry the whole tax in its fullest extent throughout the country. Now, if the tax were to be placed merely upon the real property, why did the hon. Gentleman (Mr. Roebuck) object to the equivalent which he (Lord Bernard) believed that the Stamp Duty afforded; and which the hon. and learned Gentleman had failed to show was not an equivalent? Again, it could be effectively urged that there was no machinery in Ireland to collect it; and that the expense of forming such a machinery would swallow up a large part of the revenue to be gathered from such a source. The hon. Baronet (Sir J. Tyrrell) had proposed to collect it with the poor rates. He thought if the hon. Gentleman was a Guardian he would not suggest this. He (Lord Bernard) was happy to say that the law was now succeeding; but he would ask that hon. Member, who proposed such a course, would it be less than political madness, for the sake of a very doubtful advantage, to revive feelings in Ireland, which, he was happy to say, were certainly dying away? Would it be wise to do so, even if he were certain of greater advantages? But there was another ground upon which the tax would be inadequate and injurious. By the provisions of the Act all holders of land, of less than the yearly value of 300*l.*, were exempt from its operation. Now, in Ireland, the great portion of landowners did not hold farms to that amount, and therefore the tax would not reach them. The large owners of land, it might be said, would thus escape, because of the small holders. But that was not the case; for where they omitted to reside upon their properties, the right hon. Baronet had turned their omission into a blessing to the country. From the very earliest times of our history attempts had been made to check absenteeism by taxation. In the time of Richard II., Edward IV., Henry VII., and again in 1735, a tax of 4*s.*, and of 2*s.* in 1773, had failed to restore the proprietors to the country. But the right hon. Baronet had

again turned the omission of the tax into a blessing; for, by exempting Ireland from the Income Tax, he held out a strong inducement—one stronger than any absentee tax—to those whose duty it was—as it ought to be their inclination—to reside upon their estates, to return to their native land, and to alleviate the wants and distresses, and contribute to the comfort and happiness of those whom Providence had committed to their care. Supposing it pleased the House to impose this tax on Ireland, how could it produce anything? Was it not a notorious fact that a large portion of the property in Ireland was burdened with mortgages and family incumbrances? And was it not equally true, that many who received that money, resided in England, and paid the Income Tax on it? Under the circumstances, he fairly believed that the revenue thence derivable would not exceed the present amount under the Stamp Duties. If the hon. Member proposed to make the Income Tax general all over Ireland, he would only urge him to consider the present position of Ireland. He entreated the hon. Member to recall the state of that country to his mind. Above all, he begged of him to consider the recent aspect of affairs there. A terrible condition of things had just passed away. Large multitudes had assembled, and the greatest fear prevailed throughout the country in consequence; but above all, and more awful still, was the existence of those simultaneous fires all over the country, accompanied by the most terrifying silence as to their cause, but followed by the most alarming rumours and statements as to what was to follow their repetition. How favourably altered were the affairs of Ireland now! By the steady course and firmness of Her Majesty's Government peace, tranquillity, and happiness had been restored. Many who had been formerly engaged in agitation were now peaceably and profitably employing themselves in the cultivation of their lands, and attending to their private interests. Would it, he asked, be a very strong proof of political wisdom to renew afresh the fires of party discord, and to afford a probable pretext for fresh and resuscitated agitation? He had merely risen to briefly express his opinion that the present duties in Ireland were amply equivalent to the Income Tax; but he could not sit down without giving, as an Irish Member, his most cordial approbation to the financial statement of the right hon. Ba-

ronet. He felt that agriculture in Ireland was dependent for its market on the manufactures of England, and that the more the prosperity of the latter country increased in that branch, the more would the condition of agricultural Ireland be improved. He was firmly convinced that the depreciation of prices, two years ago, did not arise from the supposed effect of the Tariff, nor from the alteration of the Corn Laws, which he believed had preserved, if not as high, yet a steadier price to the farmer. He rejoiced at that prosperity; but he must observe, with regard to the manufacturing interest, that though it might be difficult to legislate properly upon the statistics of labour, still that it was only reasonable to hope, that the manufacturers, when they had received such great concessions, would apply themselves to ameliorate the condition of those under their charge. As far as Ireland was concerned, there could be no greater boon given to her than the reduction of the duty upon the raw material in cotton; for was it nothing, he would ask, that the people were enabled to get comfortable clothing at a cheap rate, and to buy the necessaries of life for their families and themselves, at a price within the most moderate means? It was a great boon in another light, too; for when they considered the mighty water power of Ireland, might they not reasonably hope that all those great national advantages would be turned to account; and that, at no very distant day, their own cotton manufactures would be established on the west coast of Ireland? Might they not hope, that with her great water power, and accessible harbours, that soon, instead of sending for it to Liverpool and elsewhere, Ireland would import her cargoes of cotton direct from America? Under improved treatment, they might expect to see manufactures rising up in abundance in a country so favourable to their increase; and it was almost impossible so say what advantages might arise from an increased use of exciseable articles. In 1832, it was stated that Ireland was a better market for English manufacture than many others more sought for, and more distant. He believed that to be the case still. He believed, also, that if Ireland were fully and fairly cultivated, that she would be able to furnish sufficient food of her surplus to England, to render her independent of foreign aid. If, instead of urging such notices as those, the hon. Member and the House would assist in developing her immense resources—if they

would extend their capital to her manufactures, and make her harbours the receptacles of their fleets, they might depend upon it that she would amply repay them, by ministering to her increasing population, and her daily augmenting wants. Nay, more—it was his firm conviction that the day might not be far distant, when she might be able to save England from a calamity which no nation ever survived—the dependence of the supply of her daily bread upon another country—from the glory of England being humbled in the dust, a suppliant at the feet of some foreign Prince:—

“Supplex ad prætoris regis,
Donec Bithyno libeat vigilare tyranno.”

Mr. *Bellw* agreed in the latter sentiments to which the noble Lord had given utterance; and he was not sorry that this subject had been brought forward, because it gave an opportunity for correcting many misrepresentations in reference to it; for instance, like that of the hon. Member for Coventry, who upheld his proposition upon the ground that there were many Irish gentlemen holding public appointments and offices, which was not the case. He confessed that, on the first blush of the proposition, it seemed quite reasonable that the Income Tax should extend to all portions of the empire. But there were two questions to be considered. First, the applicability of the tax, and the fitness of it to all parts of the country. Secondly, could it be made equally applicable under all circumstances? The tax, if justifiable at all, could only be so in a country which was in a state of prosperity, being possessed of great wealth, and flourishing in regard to trade and commerce. But he had seen it stated that only about one million sterling of the Income Tax was collected from the land. That fact of itself showed the unfitness of the tax for Ireland. In England, the majority of the people were employed in trade and manufactures. The contrary was the case in Ireland, more than three to one being employed in agriculture alone, which was the great, and almost the entire, source of the wealth of Ireland. Therefore, there was a good and sound reason for not extending the tax to Ireland. The experience of Chancellors of the Exchequer from the time of Sir John Newport downward, had shewn the impracticability of applying the assessed taxes to Ireland. Mr. Poulett Thompson stated, in 1830, that a case of exemption had been fully established on behalf of Ireland,

In 1807, the revenue of Ireland amounted to something over 4,000,000*l.* Between that and the conclusion of the war, taxes were laid on which were computed at upwards of 3,000,000*l.*; and the result was, that the Chancellor of the Exchequer of that day stated that, notwithstanding the increased taxation, the revenue of Ireland was absolutely 500,000*l.* less than in 1807. Ireland, at present, required breathing time to enable it to bear this or other burdens; and every year allowed for recruiting its shattered frame, and acquiring vigour and healthy action, would leave it more able to take its full share, if it did not already sustain it, of the burdens of the country. In Great Britain, trade and manufactures must, as a matter of necessity, discharge those duties which in Ireland could, as yet, only be performed by the proprietors of the soil. The political bearings of this matter in Ireland were also not to be neglected. A large mass of the population were in a state of the utmost depression; and those millions must necessarily, by their sufferings, be rendered more sensitive even in reference to burdens which did not immediately affect them, if those burdens should be continually placed before them as an injury to their country, and as depriving them, in some degree, of the chance of employment. The right hon. Baronet had, therefore, exercised a wise discretion in not attempting, for the present at least, to press this tax upon Ireland. The empire would be no loser, inasmuch as Ireland was the best market for the English manufacturer, and one every day extending; and every thing that tended to enable the Irishman to buy more goods from the Englishman was a benefit to this country.

Mr. *Newdigate* regretted that some of the elder county Members who had been assailed by the hon. and learned Member for Bath had not stood forward to vindicate their characters from the foul calumnies and libels that had been heaped upon them by the hon. and learned Member for Bath. (*Cries of "Order" and "Chair."*)

Mr. *C. Buller* rose to order. He thought "foul calumnies" was not a phrase which ought to be used by one hon. Member towards another.

The *Chairman* (Mr. Greene) hoped the hon. Member would see that the expression was somewhat strong, and withdraw it.

Mr. *Newdigate* begged to apologise if he had used any expression that could be deemed improper or disrespectful to the House; but he thought the House would

admit that the language and expressions of the hon. Member for Bath were such as deserved, at all events, strong expressions on the part of Members who represented agricultural districts. Connected as he was with that part of the country in which the right hon. Baronet had large possessions, it ill became him to hear his independence questioned in the manner it had been; and he would take the opportunity of stating his reasons for voting against the proposition before the House. The agricultural portion of the constituency he represented were grievously depressed; in common with other agriculturists their difficulties were great. But ought the representatives of the agricultural interest in this country, which was richer than Ireland, to vote for imposing upon their poorer brethren in the sister island a burthen which they themselves were hardly able to bear? He did not think they were justified in adopting such a course; and although he regretted to find that there were some agricultural Members who would not object to impose upon their poorer neighbours such a heavy burden, he, for his part, although he believed the agriculturists of England to be in a very depressed condition, would not resort to so ungenerous a proceeding. He felt that Ireland was struggling with great peculiar difficulties, that she was suffering from a system of political agitation which had existed for many years, and in his mind these were sufficient grounds why the right hon. Baronet at the head of the Government should not seek to impose upon her the burden of the Property Tax. He hoped that hon. Members would, upon reflection, agree with him, that the course proposed by the hon. Member for Bath, involved a miserable and pitiful policy, as shortsighted as it would prove oppressive. He trusted that the decision of the English county Members would show, that the imputations cast upon them and upon their conduct by the hon. Member were unfounded; and that the hon. Member, instead of proving that the agricultural Members were base, had proved simply that he was incapable of appreciating the motives that actuated them; indeed, as regarded the agricultural Members, his observations were highly characteristic, graced by much talent, but ill-conditioned and inveterate. He would that he was gifted with the eloquence of the hon. and learned Member for Dungarvon, then could he do justice to his cause. But as it was, if the hon. and learned Member

for Bath chose to arm himself with the Income Tax, and cross into Ireland, like the knight of La Mancha in quest of adventures, with the hon. Member for Essex as his squire, he (Mr. Newdigate) strongly suspected that he would meet with obstacles more difficult to avoid than windmills, more hard to encounter than flocks of sheep.

Mr. *Muntz* was not at all surprised that Irish gentlemen should strongly object to having the Income Tax imposed on them; but he did not understand why there should be a difference made between that and the other parts of the country. He could not understand on what principle the people of Ireland were to have a large remission of taxation made to them, and not to give anything in return. He agreed with the hon. and learned Member for Bath in his present proposition, and he thought that, next to an absentee tax, the Property Tax was the best tax that could be imposed on Ireland.

Mr. *Roebuck* would only make one observation with respect to what had fallen from the hon. Member for Warwickshire. He would leave it to the House and the country to judge whether the hon. Member had got the best of the argument by his loss of temper.

Sir *H. Winston Barron* said, that the hon. and learned Member for Bath had not attempted to point out any ground for imposing this tax on the people of Ireland for the first time. In the face of that House, he would tell the hon. Member that he should have abstained from making those observations respecting certain absent Members which he had indulged in. The hon. Member had chosen to talk of the "personal insignificance" of those absent Members; it showed his gross ignorance and presumption to talk of those Gentlemen in the way he would not have dared to have done if they had been present. He repeated that the hon. Member would not have dared to have said what he did; and he (Sir Winston Barron) would leave the country to judge of a man who would not say that in the presence of those Gentlemen, which he had dared to say in their absence.

The *Chairman*: The observations of the hon. Member are unparliamentary in the imputations which he casts on another hon. Member.

Sir *H. W. Barron*: I am not aware that they are. I mean, that I think there is nothing unparliamentary in what I said.

The *Chairman*: The language is stronger, in my opinion, than ought to be

used. I think the hon. Member ought not to indulge in it.

Sir *H. W. Barron* was always ready to bow to the Chair. The hon. and learned Member for Bath had alluded to the taxation of Ireland, but in a manner showing the grossest ignorance of the question of which he was talking. He had spoken as if the landlords of Ireland were men who paid no part of the taxation of this country, or of the revenues of the State. Was he aware, that at the time of the Union, the English debt was 450,000,000*l.*, and in 1817 had only increased to 734,000,000*l.*; while the Irish debt, which was but 28,000,000*l.* sterling at the Union, had been advanced in the subsequent sixteen years to 112,000,000*l.*? The debt of Ireland was quadrupled, while the debt of England was not doubled. And what were the taxes remitted from 1816 up to 1842? In England, in that time, no less than 45,000,000*l.* per annum of taxation had been remitted; in Ireland, just 2,000,000*l.* of annual taxation had been remitted in that time—one-twentieth of the remission England obtained. At the Union, the proportion of the taxation of Ireland was fixed at two-seventeenths of that of the Empire; and the House of Lords in Ireland protested against that ratio as unjust, because of the poverty of the country, as also did Mr. Foster, then Speaker of the Irish House of Commons. But the hon. and learned Member for Bath, who brought forward this question without knowing a single atom of the subject, was probably not aware that the Irish Exchequer had paid, not two-seventeenths, but more than one-sixth of the national taxation. The hon. and learned Member might smile, but he would ask for fair contradiction and argument, and not a laugh. Every one of these statements was taken from Returns on the Table of the House. What said the Committee of Finance in 1815—a Committee appointed by the then Chancellor of the Exchequer, and upon which there were only two Irish Members? After consideration of the subject for four months, they said, "Ireland has advanced in permanent taxation more rapidly than Great Britain herself, notwithstanding the immense exertions of the latter country, and including the extraordinary and war taxes." Upon this point, he had also the authority of Mr. Foster, afterwards Baron Foster, a Conservative in principle, and a man of great experience and authority in matters of finance. In the

House that Gentleman declared, speaking on the Consolidation of the two Exchequers, "The taxation of Ireland at the Union was 2,440,000*l.* only; in 1810 it had risen to 4,280,000*l.*; in 1816 it was 5,760,000*l.*; and, in fact, at this moment taxation in that country has been carried to almost its *ne plus ultra*." But the hon. and learned Member for Bath, with his experience of Ireland, with his acquaintance with that country, with his deep learning, and his great and transcendent knowledge of finance, tells you to lay an Income Tax upon her as a remedy for her grievances. Lord Sydenham, in the House of Commons in 1830, said that "taxation in Ireland had gone to such a pitch that the more taxes they laid on, the less income they received." That position had not been denied till the hon. and learned Member for Bath, with his learning, came down to propose the laying on an Income Tax. That was his remedy for the grievances of Ireland. Such was the ignorance of men who attempted to grapple with questions of that moment. What said Lord Fitzgerald, himself Chancellor of the Irish Exchequer, and who brought about the Consolidation of the Exchequers in 1816—an Irishman of experience, high character, great information, and moderation too—a man greatly respected in that House? What had Lord Fitzgerald said on this subject? He would refer the hon. and learned Member for Bath to the report of his speech when proposing the Consolidation of the Exchequers in the year 1816, as reported in *Hansard*. The noble Lord is reported to have said, "I hope it will not be said that Ireland throws a great burden on England, with a view of saving herself." Mark that. "You contracted for her an expenditure which she could not meet; she has been led to hope that that expenditure would be less when united to this country than it turned out to be. She had paid more than 78,000,000*l.* above her share, being 45,000,000*l.* more than her revenue for fifteen years"—but a higher authority—the hon. and learned Member for Bath—told them to lay on the Income Tax—she was not half taxed enough; that was his panacea for the evils of Ireland! What had the present Chancellor of the Exchequer in 1822 stated with regard to the financial state of Ireland, in his place in Parliament? "The Union contribution of 2-17ths is now allowed on all hands to be more than she was able to bear." So much for the information—so much for the experience and for the testimony of the hon. and learned

Member for Bath. He thought the House would rather lean to the testimony he had quoted of various Chancellors of the Exchequer, than on the financial experience of the hon. and learned Member for Bath. At all events he was confident that the Irish Members in the House, and all English Members who had studied the question, and really understood it, would vote against the proposal of the hon. and learned Member for Bath. They had inflicted on Ireland an equivalent duty to the Income Tax, in the additional Stamp Duty. They would not have gained one shilling more by the Income Tax without the Stamp Duty. He thought if they had not laid a shilling of taxation on the country, they would have done their duty to the United Empire, because the poverty of Ireland was great and her property small, and because every inducement should be given to men of property to remain in the country. Ireland required that improvement more than any other part of the Empire. They had drawn from her her Parliament, and with that the greatest proprietors in the country, their friends, relatives and followers, who all naturally flowed to this great city as to a vortex. One of the great grievances complained of in Ireland was over taxation: they were over taxed to an enormous degree beyond their resources. He would maintain that there was not a country in Europe, with its amount of resources, that was so highly taxed as Ireland. The landed proprietors of Ireland were very large losers by the alteration in the tithes. He never got a single farthing of the tithe from his tenants; but he was now paying three-fourths of it to the clergyman where he never paid a shilling before. The tenants before paid the tithes, and in many cases the landlords got no equivalent from their tenants. They could not ask their tenants for the pittance of 10*s.* or 20*s.*, but (the landlords) were called on to pay a gross sum to the clergymen. That was the boon granted to the landlords. Then there was another heavy tax imposed on them—the tax to support the poor. He was not making any complaints on the subject; he was delighted that there should be a provision for the poor. He was a warm supporter of that law; but it was a heavy tax on the landlords. In addition to these taxes, the hon. and learned Member for Bath advised the imposition of an Income Tax. It would be an impolitic and an unjust tax, in the circumstances of the country. He knew some of his friends had

absented themselves from Parliament on conscientious grounds. It was because they despaired of justice being done to Ireland, that they had withdrawn themselves in the hope of better times. Those men had the sympathies of the Irish people with them, and possessed their warmest confidence and affection. He (Sir H. W. Barron) would not degrade those men by comparing them with the man who called them insignificant. Might better times arise! For there was a strong growing feeling of violent dissatisfaction in Ireland at the present state of things. He implored men of all parties to lay aside ancient feuds, and to try by mutual sacrifices to meet the wants of the people. No people were governed successfully for any length of time by the sword, and Ireland was the last nation to be governed in that manner; but they could govern her by the heart easier, perhaps, than any nation was ever so governed. If the measures which had been brought forward some seven or eight years ago by the late Government had been calmly discussed, and the grants to Maynooth had been met in another strain, and not by meetings in Exeter Hall, and at Liverpool, and elsewhere, grossly calumniating the Irish people; and if the leading journals of the Conservative party had not grossly insulted the priesthood and the people of Ireland, they would have had less difficulties to contend with. They were now reaping the bitter fruit of their own sowing. All their acts could not be forgotten in a day, or a week, or a month. They might repent; but they must be placed on the stool of repentance for some time before the people of Ireland would trust in their professions. They were now making some compensation at Maynooth, and in their projected measures as to education. He thanked the Government for them; but he would have thanked them ten thousand times more if they had done it before they were driven to it by agitation.

Colonel Conolly begged leave to offer a few remarks in explanation. He deplored most exceedingly the Motion of the hon. and learned Gentleman, and he regretted that any remarks that he might have made should appear to countenance its introduction. He had referred to the Income Tax in England having given a boon to proprietors in his own country, in enabling them to borrow money to clear off encumbrances on their estates at 2 per cent. less than they had previously paid. But, instead of this advantage of 2 per cent. to them, the Motion of the hon. and

learned Gentleman went to add an imposition of at least 3 per cent. upon property in Ireland. The Motion was, therefore, he considered calculated to increase and aggravate the pecuniary difficulties of that country; and he saw with great pain that it would also tend to revive and increase the agitation which unfortunately existed there. He hailed the abatement of agitation—the introduction of capital, and the consequent stimulus to industry, as important symptoms of the advancement of the condition of Ireland; and he could not have expected that any Gentleman would have availed himself of any casual statement which might have fallen from him, as a ground for interrupting all those important advantages that he had enumerated. He could tell the hon. and learned Gentleman that if anything could embitter public feeling in Ireland—revive agitation in that country, and impede its progress towards improvement, it was—he was firmly convinced—the proposition of the hon. and learned Gentleman.

The *Chancellor of the Exchequer* said it was impossible for him, holding the situation which he had the honour to fill, to permit the subject then before the House to pass without expressing his feelings respecting it. Whatever credit he might be disposed to concede to the hon. and learned Gentleman who had introduced that Motion for general talents and ability, he could not allow him much credit for tact in conciliating support, or for skill in estimating the value of financial measures. The hon. and learned Gentleman had made appeals of very different character to different portions of the House. He had appealed to the feelings of hon. Gentlemen on his (the Chancellor of the Exchequer's) right, on the ground that, by imposing a Property Tax on Ireland, they would be enabled to afford relief to themselves, and to those whose interests they represented in that House. That appeal had been met in a proper spirit by the hon. Member for Warwickshire (Mr. Newdegate), in a spirit in which, he was sure, it would be met by the great majority of those whom it was intended to influence. He did not think it right to increase the taxation of Ireland; and, if he were right—as he trusted he would be able to show he was—in that view of the matter, then he did not believe there was one hon. Gentleman on that side of the House who would be actuated, in a case of that nature, by so low a motive as that of imposing a tax on the sister country—a tax calculated to pro-

duce in that country consequences injurious to its growing prosperity, perhaps, fatal to its best interests—for the mere purpose of relieving himself from an annual payment of 7*d.* in the pound, or his tenants from an annual payment of 3½*d.* in the pound on their incomes. However the hon. and learned Gentleman might appeal to the feelings of the House on that question, he would, he was sure, on reflection, perceive that the hon. Gentleman, the Member for Warwickshire, had taken the proper and only worthy view of the question. The hon. and learned Gentleman had expressed his opinion very strongly as to the absence of many hon. Members of that House who were connected with the sister country. He would not follow the hon. and learned Gentleman through the observations he had thought fit to make; but this he would say, that much as he should, on ordinary occasions, regret that any hon. Member of that House should countenance the supposition that the British House of Commons would not be capable of attending equally to the wants of every portion of the Empire, and should in consequence think fit to absent himself from his duties in Parliament, still he felt that if ever there was an occasion on which he should be disposed to regret the absence of such Members less than another, it was on a night like that, when they were called upon to debate a question peculiarly calculated to affect the interests of that portion of the country to which those hon. Members belonged; because he was convinced the result of that debate would be such as to satisfy those hon. Gentlemen that they had misunderstood and miscalculated the feelings of England, and of the English Members in that House. He was convinced that the vote of that night would satisfy those absent Irish Members, if they were disposed to reflect at all, that it was not the presence of the Representatives of that particular portion of the United Kingdom, which made the interests of that portion be attended to; but that the assembled House of Commons was—in their absence—disposed to watch with more than usual care the interests of that part of the Empire; and to deal with that portion, the Representatives of which absented themselves, in the same spirit as with the remainder, and save it from burdens which they were themselves unwilling to bear. If the debate of that evening tended to produce that result, one advantage—and that not an in-

considerable one—would be derived from the Motion of the hon. and learned Gentleman. But to come to the immediate subject of the Resolution before the House—namely, whether it were expedient that they should impose on Ireland an Income Tax leviable from real property—for that, he believed, was the proposition of the hon. and learned Gentleman. The hon. and learned Gentleman, in terms, indeed, proposed something more; for he proposed to extend to Ireland, not only the tax upon real property, now payable in this country, but also to continue the increased Stamp Duties, which the House had originally imposed upon Ireland as an equivalent to the Income Tax on Great Britain. [Mr. Roebuck: I said, remit those duties.] If he had been led into a mistake, it was in consequence of the wording of the Amendment of the hon. and learned Gentleman. The Motion of the hon. and learned Gentleman distinctly stated, that in addition to the Property and Income Taxes, and the Stamp Duties in Ireland, it was expedient further to add the words—that the provisions of the said Act should be extended to Ireland, under the regulations mentioned in the notice. He had no wish to press upon the hon. and learned Gentleman any expression of opinion which he had not intended to offer to the House; and he begged to assure him that he alluded to the wording of the Motion merely for the purpose of justifying himself in the statement which he had been induced to make. As the hon. and learned Gentleman denied his intention of advocating the continuance of the Stamp Duty in Ireland, in addition to a Property Tax, he (the Chancellor of the Exchequer) was of course to presume that he had no such desire. The learned Gentleman had said that they were called upon to provide for the common exigencies of the Empire, that is, for exigencies that applied equally to every part of the United Kingdom, by an equal distribution of the amount on all. Now, it seemed to him that the hon. and learned Gentleman laboured under a misapprehension on that particular point. He seemed to think that an equal provision for the common exigencies of the United Kingdom, implied not merely an equal share of the common burdens, but an application to all the parts of the Empire of the same identical taxes. That was not what he understood by the different portions of the United Kingdom bearing in common the necessary burdens of the State. In appropriating the respective shares of these bur-

dens to each, they should, on all occasions, have reference to the peculiar circumstances of the particular portion of the Empire for which they legislated. They could not form an iron rule to be applied indiscriminately to every part of the population; but they should be governed by the conditions and the peculiar circumstances of each part of the United Kingdom. These principles were extremely simple in themselves, and should be borne in mind in discussing a question like the present. When Her Majesty's Government thought it essential to impose a Property Tax for the purpose of upholding the credit of the country, and of making great changes in their commercial relations, in 1842, it became his duty to consider in what mode a Property Tax, for these two great objects, could best be imposed. In entering on that question, it could not be supposed that he should neglect to consider the best means of drawing from Ireland her fair proportion of the additional contribution required for the common necessities of the State. He went into that inquiry, and he found that by imposing a Property Tax on that part of the United Kingdom, he might indeed subject the inhabitants to a heavy burden, which they were but ill calculated to bear; but that, looking to the result to the Exchequer—to which it was his duty more especially to refer—the amount which it would there produce would be very little. And why was this? In England they had been long accustomed to a heavy taxation, part of which was levied in the shape of direct taxation upon property. In Ireland the taxation was indirect. Throughout this country there was the machinery necessary for the collection of the land tax and of the assessed taxes, which did not exist in Ireland. The imposition of the Property Tax in England, using the existing machinery for its collection, was therefore calculated to produce the largest amount to the Exchequer, with the least possible expense of collection, the additional cost of the existing machinery being extremely small, while the produce to the Exchequer was proportionally large. Therefore, as far as that tax applied to England, it had the merit which all taxes ought to have, of producing the greatest amount to the Exchequer, with the least possible burden on the people. But if the Property Tax were to be extended to Ireland, where none of the necessary machinery existed, and where the tax could only be collected by the institution of paid officers, and of all the extensive arrange-

ments necessary for hearing appeals, and for meeting the other difficulties that would arise; the expense of the collection of this heavy burden on the people would be such as to produce but a very small return to the Exchequer. Unlike the indirect taxes that were collected in that country it would be got in at such an enormous expense in proportion to the amount, that the ultimate payment into the Exchequer would not by any means be equal to the burden imposed on the people. They had had some experience as to the collection of such taxes in Ireland already. They had had the assessed taxes in Ireland at a former period, and the result was, that it imposed a heavy burden on the people, and got nothing whatever into the Exchequer. If they had imposed a Property Tax on Ireland, having to create anew the whole of the machinery necessary for its collection, what would be the result? Why, they would have oppressed the people and got nothing for the Government. With these views and feelings he submitted to Parliament, in 1842, that as an equivalent for the Income Tax in England, the people of Ireland should be subjected to the extension to them of the Stamp Duties payable by this country, and to an additional duty on spirits. He defied any man to show—after taking the amount that these increased duties produced in Ireland, on the one hand, and on the other the amount which the Exchequer would derive from an extension of the Property Tax to that country—that the public interests sustained any ultimate loss by the decision to which the House had come on the question. The hon. and learned Gentleman had indeed proposed that that tax should be entirely confined to landed and real property in Ireland. He had told them in the course of his speech that landed property in Ireland was extremely burdened and encumbered. No doubt there was some truth in that remark; but what result was to be adduced from that double statement of the hon. and learned Gentleman? Why, that the Property Tax in Ireland would be unproductive: every gentleman who would be so burdened would be entitled to deduct from the Income Tax paid by him the amount chargeable on the interest paid for his debts. It had also been observed that these debts were generally for money advanced by people in this part of the United Kingdom, so that the hon. Gentleman would perceive that the taxable income from landed property in Ireland would be considerably diminished.

The hon. and learned Gentleman would also remember, that a tax on Property, which, according to his own statement, would not be a burden on the poorer classes, would necessarily be a burden on the tenantry of Ireland also, and subject them to the same pressure to which the English tenantry were subjected, and of which some Gentlemen complained. He would merely ask, was it desirable to take from the tenants of Ireland a larger proportion of their industry than they had now to pay? As a financial measure, a Property Tax in Ireland would, as he had shown, be a total failure. If, indeed, the House had adopted the proposition of the hon. Member for Kendal, and made the Income Tax a permanent source of revenue to the Empire, then, indeed, its extension to Ireland might be advisable, and it might become worth their while to consider whether they would not sacrifice the produce of the tax for a time, in order to form the establishment which would be necessary for the collection of the tax; but he would again say, that the formation of such an establishment for the collection of such a tax for a limited period, would only impose a grievous burden on the people, without producing a beneficial result to the Exchequer. There were other motives also, not of a financial, but of a political and local nature to which he might refer, as rendering it inexpedient and unadvisable to impose such a tax at the present moment on Ireland; but with these he considered it unnecessary to trouble the House. They had heard it observed that evening by an hon. Member that the absence of this burden on the Irish proprietor while residing at home, was greatly instrumental in procuring for the Irish people the residence among them of many of the gentry who otherwise would continue to be absentees. His noble Friend, the Member for Bandon, had referred to this subject, and had dwelt on the advantages which were derived by the country from having the resident gentry among them, attending to the better cultivation of the soil, and improving the condition of their tenantry. He believed the wish to be so employed, operating with the desire to be exempt from a Property Tax, had not been without its effect in securing the residence in Ireland of gentlemen having property in that country. The hon. Member for Coventry (Mr. Williams) had complained of public officers in Ireland not being subject to the Income Tax. If the hon. Gentleman intended to support the

Motion of the hon. and learned Member for Bath, he would find himself mistaken if he thought that he at the same time advanced his own proposition, since the Amendment of the hon. and learned Gentleman expressly excluded that very class from the provision of his Motion. He would therefore advise the hon. Gentleman to take counsel of him, and to record his vote against the present Amendment. But the hon. Gentleman (Mr. Williams) said, "Why not make the incomes of these officers subject to the Income Tax? They are paid out of the Revenue of Great Britain, and they should not, therefore, be exempt." But why did the hon. Gentleman assume that they were so paid? Ireland contributed her share to the burdens of the State, and she paid the officers who performed the public duties within her limits; and therefore if any one class in Ireland was exempted, he could not understand on what principle any other class should be subjected to the tax. He did not think that the present was a fitting occasion to follow the hon. Member for Coventry through the various disquisitions into which he entered. At the discussion of the various estimates which were to be submitted to Parliament, they would have, at no distant period, an opportunity of considering those estimates in detail. He could tell the hon. Gentleman, if he wished to renew the discussion on that subject, that they had been all prepared, with every regard to economy, and with a due consideration for the permanent interests of the country. It was enough, on the present occasion, for him to confine himself to the subject immediately before the House. He had given a decided opinion that they could not impose on Ireland a Property Tax without making it burdensome to the inhabitants of that country, without conferring on the Exchequer any equivalent. Hon. Gentlemen who had addressed the House in the course of that evening had alluded to various other circumstances of a political nature, which rendered the imposition of that tax at the present moment in Ireland unadvisable. He would not enter into these matters. He had endeavoured to establish the fact that as a tax it would be unproductive to the Revenue, and having done so, he considered it unnecessary to enter into other branches of the question. He had endeavoured to avoid any observations that could irritate the feelings of individuals in that country; such observations would be foreign to his own feelings, and he believed would be in,

jurious to the general interest of the United Kingdom. He trusted that the hon. and learned Gentleman would study the same feelings, and would be induced to withdraw a proposition which might so easily and effectively be misrepresented for evil purposes. If the hon. Gentleman did not, he trusted the House would, in the absence of so large a portion of the Irish Members, prove to the people of Ireland that Englishmen did not desire to impose burdens upon them; but that their best interests would always be watched over and fought for by the Representatives of this country, as strenuously as by their own Members.

Mr. *Hume* said, it appeared to him that many representations had been made by hon. Members, of the bearing of his hon. and learned Friend's proposition, upon wholly erroneous views of the real state of the case, and of what the House was now called on to do. He should have been as anxious as any one to press upon the right hon. Baronet (Sir R. Peel) the necessity of making some alterations in the Income Tax; but as the right hon. Gentleman stated it was only to be a temporary tax, he should not have wished to see it altered as regarded Ireland, in ordinary circumstances. But what was the fact? The whole objection made to the proposition of his hon. and learned Friend, was made under the idea that this was a new tax upon Ireland. He denied the allegation, and he hoped to be able to explain why he did so. The Chancellor of the Exchequer had stated to the House, most clearly, that he wanted no new tax to carry on the service of the country; he stated that the Revenue was 51,000,000*l.* (speaking in round numbers), and the Expenditure only 49,500,000*l.*, and that therefore there would be a surplus of 1,500,000*l.* As regarded this tax, therefore, they did not want it. But, said the right hon. Baronet, "I am about to change your taxation; I think your taxation has been, hitherto, imposed on individuals and on articles on whom it ought to press no longer." No doubt all experienced men must confirm that statement; all the papers relating to the subject of finance, now on the Table of the House, confirmed it. Then the right hon. Baronet went on to say, "I tell you that you are crippling your commerce by this means; therefore, I will do that which shall relieve individuals and the country for the future, as well as render an Income Tax unnecessary for the future; and I am perfectly satisfied the experiment will succeed; but I will not impose the

Income Tax on Ireland; I mean to take four millions from the taxes which it is not right should remain any longer. The whole scope of my taxation is to relieve the middle and lower classes." That was the right hon. Baronet's principle, and that principle he approved. But then the right hon. Baronet said, "I require an equal amount of revenue to that which I take off." Therefore, the imposition of an Income Tax, under these circumstances, was no new taxation of the people; because the people paid the amount of it already on the articles from which the right hon. Baronet meant to remove all taxation. For instance, Ireland as well as England paid the auction duty on sales of property. The right hon. Baronet thought that tax, from the evasions which were practised under it, had not the character of a proper tax—it was expensive and unproductive. He therefore determined to relieve the country from it. That was a boon of 300,000*l.* a year to all who had property to sell. Again, all the community consumed sugar. The right hon. Baronet proposed to make it 1½*d.* or 2*d.* a pound cheaper; by that change, therefore, the population of Ireland would get cheaper sugar; and an Income Tax to the same amount as the reduction in the duty on sugar, would not be a new taxation of that country. The right hon. Baronet went a step further. He took glass. The duty on that article interfered with the manufacture, and was an oppressive duty in Ireland as well as in England. Whether whiskey was drunk out of glasses in Ireland or not, he did not know; but they would get their glass so much the cheaper. Thus again an Income Tax producing the amount thus taken off would not be a fresh impost on that country; and so, on the whole, according to the right hon. Baronet, the country being about to gain as much by the reduction as the Income Tax would amount to, the imposition of it would not be said to be an imposition of a fresh burden on that country. What then was the outcry against the hon. and learned Gentleman's proposition about? The Chancellor of the Exchequer seemed also to suppose that this would be imposing a new tax upon Ireland; the fact was it would not impose one farthing of taxation upon Ireland; they would only be changing the mode of taxation, and shifting it to the shoulders of those who could afford to pay it. Why, then, this outcry against the proposition of the hon. and learned Gentleman? It appeared to him that the excep-

tion of Ireland from the tax was an exception which ought not to be continued. It was said that the population of Ireland would not benefit by the imposition of this tax; but the fact was, that the lower classes there would benefit ten times more than the higher would lose by it. The Chancellor of the Exchequer said that the duty on stamps in Ireland raised as much revenue as would have been derived from that country by the imposition of the Income Tax. Now, he had asked the other day for Returns, showing the whole amounts received from the Stamp Duties there since they had been imposed. The result was, that while England paid 5,000,000*l.* to the Income Tax, Ireland, as an equivalent for her Income Tax, paid 92,000*l.* last year in Stamp Duties, and would this year pay 129,000*l.* Ireland, participating in all the reductions of indirect taxation, ought clearly, in justice, to share the burden of the Income Tax. He had for a long time past attempted to prove to the House that the taxation borne by the middle and lower classes had, for the last six years, been about 74 per cent. of the whole taxation of the country; while the great bulk of the property of the kingdom was not saddled with more than 26 per cent. He had again and again endeavoured to convince the House that, unless they removed taxation from those who were unable to bear it, and imposed it upon those who were equal to the burden, the great bulk of the population must remain in a distressed and miserable condition. Those who had the management of public affairs suffered little from taxation, and they had, therefore, felt little sympathy for the mass of the community, by whom the burden was principally borne. He called upon Ireland, in order to assist the right hon. Baronet opposite in carrying out the schemes he had propounded, to contribute her quota to the necessities of the State. Since he had possessed a seat in that House, so important a measure as that recently proposed by the right hon. Baronet had not been submitted to their consideration, or one which had such a tendency to benefit the great mass of the people of this country. Its effect would be to afford employment to labour, to open a thousand avenues for the use of capital, and to extend the commerce of the country. But he did think that Ireland ought to bear a fair share of the taxation by which these changes were to be effected, although some hon. Members who represented Irish constituencies strongly objected to such an

arrangement. He was not surprised at that; but he must remind those hon. Gentlemen that the hon. Member for Donegal (Colonel Conolly) had been the means of bringing forward the question. He would fearlessly assert that no Member of that House could be more anxious than he was for the prosperity of Ireland, and that no man had been more ready to propose or support any measure tending to the welfare of that country. But he must remind hon. Gentlemen who represented Irish constituencies, and especially the hon. Baronet the Member for Waterford (Sir H. W. Barron), that if, as Irishmen, they claimed—as he hoped they did—equal rights with Englishmen and Scotchmen, they must be prepared to bear an equal share of taxation. He was not disposed to enter into the question whether or not Ireland had benefited by the Union; but he might remind the House, that when Mr. O'Connell, some time since, brought forward the question of Repeal, Lord Monteagle, then Secretary to the Treasury, referred to tables showing the gradual increase which had taken place in every branch of industry in Ireland since the enactment of the Union. An hon. Member had complained that while, when the Union took place, the taxes in Ireland amounted only to 2,000,000*l.*, they had since risen to 5,000,000*l.* Good God! that hon. Gentleman was complaining of the benefits which had resulted from the Union; for that increase of taxation was consequent on the improving prosperity of the country. It had been said that, if this tax were extended to Ireland, it would excite incendiarism, outrage, and rebellion. If this were true, that House could never attempt to apply to Ireland any legislative measures which were not in accordance with the wishes of the Irish people. Then the Chancellor of the Exchequer had stated that, because the Government, in former days, experienced difficulty in collecting the assessed taxes, the collection of a Property Tax would be attended with similar inconvenience. He was sorry to hear such a statement from the right hon. Gentleman, for it had a tendency to promote the views of those who endeavoured to excite alarm on this subject. He would ask them to give fair and equal rights to Ireland, to remove the dissatisfaction which now existed in that country, and then to call upon Ireland to pay its just and full proportion not of one tax, but of every tax. There were not many farmers in Ireland whose incomes amounted to 300*l.* a-year; and if, therefore, this tax were applied to Ireland, it

would fall principally upon the landed proprietor. He considered, also, it was only just that persons holding official situations in that country, and deriving large sums from the revenue, should be liable to a tax of this description. On these grounds, then, he gave his support to the Amendment of the hon. Member for Bath.

Sir R. Peel: Really the hon. Member for Montrose, with an unusual degree of candour, has put himself entirely out of court. I will prove to him that it is impossible for him to support the Motion of the hon. Member for Bath. I don't mean to say it is actually impossible for him to support that Motion, because I believe he will support it; but I mean to say that it is impossible for him, consistently with his established character for equity and good sense to give the vote he says he is prepared to record. The hon. Member for Montrose says it was his intention to leave my proposition untouched; and that he thinks, if an hon. Gentleman on this side of the House had not made a very indiscreet speech, this question never would have been agitated; and that he would have voted for the continuance of this tax, as applied to England and Scotland, without objecting to the omission of Ireland. What! is the hon. Member prepared to extend this tax to Ireland contrary to his own previous judgment, merely because an agricultural Member on this side of the House made an indiscreet speech. Is that a proper course to be pursued by an hon. Gentleman who, for the last forty years, has, with great advantage to the country I admit, and with great disinterestedness, applied himself to the consideration of financial matters? I admire the hon. Member for his zeal and his industry displayed through so long a period; and, differing as I do from him on political questions, I do say that he has rendered great services to the country. I am a political opponent of that hon. Gentleman, who never gave me a vote in his life; but I am now anticipating the judgment which will be pronounced by a grateful posterity when I say that, actuated by high, pure, patriotic, disinterested motives, he has been the means of reducing the burdens on the country. But the hon. Member who, for the last forty years, has devoted his attention to questions of finance, admits that if he had not been provoked, by a foolish speech, as the hon. Member styled it, it would not have occurred to him to support the application of the tax to Ireland. Now, is that a prin-

ciple for a great senator to act upon? I must confess I heard the speech of the hon. and gallant Member for Donegal (Colonel Conolly) with some dismay; I foresaw that it would furnish our opponents with some strong and specious argument in favour of the proposition now before the House; but, surely, Sir, never was so great a panegyric pronounced upon an individual speech as the admission that these observations have induced the hon. Member opposite to depart from the course of policy which he had previously marked out for himself. I foresaw with horror the effect of allegations respecting the interest of money, and the monopoly of the Irish landlords. But that a man of the hon. Member's gravity—a man of his great ability—and, above all, a man of his deep devotion to finance—should come to such a conclusion, in consequence of a single speech from the hon. and gallant Member for Donegal, is, I confess, most astonishing. [Mr. Hume: No, no.] I cannot let the hon. Member off. I must hold him to the point. I have known high compliments paid to public men in the House; but I must say that the argument and conclusion of the hon. Member for Montrose goes beyond them all. Sir, it is the highest compliment ever paid to any public man to suppose, as the hon. Member for Montrose does, that the speech of my hon. and gallant Friend the Member for Donegal is to alter the views of the Government in regard to this question. Sir, I think it is quite impossible for the House of Commons to assent to the argument and the conclusion of the hon. Member for Montrose. Let us forget the speech of the hon. Member, and the provocation to it, and let us act as we intended to act before either was uttered. I quite agree with those hon. Gentlemen that, on the first view of the case, justice would appear to require that the Income Tax should be extended to Ireland. Nay, more, I am prepared to admit that, if the Property Tax were to be made a permanent tax, it should in justice be applied to that country. But that Ireland has been exempt from it now is not an accident. It was the subject of the gravest consideration when that tax was first proposed, and it has been again the subject of consideration on the present occasion when we seek to continue it. In 1842, we assumed that the Income and Property Tax would continue for three years; and we calculated accordingly the expense of levying that tax on a country circumstanced as was

Ireland, in comparison with the probable income to be derived from it. This done, we came to the clear conclusion that an equivalent should be taken; and we resolved that an increased stamp duty and an additional spirit duty—[An hon. Member: The additional spirit duty has been repealed.] I am aware of it; but I refer not to the present time, but to the period when the Income Tax was first proposed in 1842. We came to the conclusion, I say, that these duties would be more productive to the Revenue of the country than the imposition of a Property and Income Tax in Ireland. After the most mature consideration of the subject, we came to the conclusion that, as there were no local Commissioners in Ireland as in this country, and as the difficulties of collecting the tax would be, therefore, very great, although justice required that Ireland should not be exempted from any general tax in the permanent scheme of taxation, that the ends of justice in this instance would be effectually answered, and that it would, moreover, be better for this country if we took an equivalent from it, rather than proceed to the imposition of a new tax—a tax which neither Pitt, nor Fox, nor Lord Sidmouth, nor Lord Grenville, nor any other Minister, attempted to impose, because of the great local difficulties that existed. We adopted the same course, and not from any desire to favour Ireland at the expense of Great Britain, but because of the great local difficulties in the way of collecting such a tax in that country. It is now proposed again to continue the Income Tax for a limited period, in order to effect a commutation of taxation bearing upon the manufactures of the United Kingdom. It is impossible to disregard the peculiar situation of different parts of the United Kingdom; and though I firmly believe the commerce of Ireland will be as much benefited as the commerce of England by the remission of the duty upon cotton and glass; though I rejoice in the advantages which will, I believe, result to the lower and more laborious classes from such remission, yet, when I look at the immediate effect that will arise from the imposition of the Income and Property Tax, and the abolition of other taxes bearing upon the industry of the country, I must say, I find, from the peculiar circumstances of Great Britain as compared to Ireland, the advantage of that course will not be chiefly for Ireland, but for this part of the United Kingdom. Now, let us see what will be

the direct effect of the removal of those taxes the remission of which we propose, not with regard to the consumers, but to those concerned in manufactures in Great Britain and Ireland respectively. The amount of duty upon cotton may not afford a fair criterion, for the cotton used in Ireland is chiefly imported into Liverpool. You levy, from a duty upon raw cotton, a sum of about 700,000*l.* in the United Kingdom. What amount does Ireland pay upon the same amount? The duty paid on account of cotton imported into Ireland is 114*l.* As I said before, however, this article does not afford a fair criterion, because the greater part of the cotton used in Ireland is imported into Liverpool: but I wish to see, and I shall rejoice to see the time when Ireland will not be dependent upon Liverpool: when Cork, and Waterford will be the depôts for such imports. But let us look to the Excise Duties. Take the auction duty. The amount of auction duty paid in Great Britain is 270,000*l.*; in Ireland 11,700*l.* Then take the duty on glass. Great Britain pays 574,000*l.*; Ireland 5,747*l.* Now, do not these facts exhibit a material difference between the present position of Great Britain and Ireland, with respect to Excise Duties—at least to those manufactures, the materials of which are about to be exempted from duty? I wish I could convince the people of Ireland of the feeling which animates the Government with regard to their interests. I am convinced there is but one feeling in this House (calumniated as it is and has been in Ireland, denounced as consisting of persons desirous only to promote British interests) with regard to Ireland. I believe I express the feeling of this House when I say that it would afford us the highest pleasure and satisfaction if we saw the cotton manufacture and the glass manufacture extensively established and prospering in Ireland; if we saw, not merely a great body of consumers benefited by the remission of duties proposed by Government, but the Irish manufacturers entering into honest and successful competition with the manufacturers of this country. The noble Lord (Lord Bernard) has, in a brief speech, but one abounding with powerful and conclusive arguments, stated that in his own county in Ireland, many men who formerly devoted their energies to agitation, are now applying their time, their exertions, and their capital, to the establishment of railways, the improvement of agriculture,

—indeed, to everything that constitutes the foundation of a nation's prosperity. I should rejoice if an additional stimulus were given to these new exertions by the establishment of the glass and cotton manufactures in Ireland, thus affording occupation to many thousands who are at present unable to obtain more than imperfect employment. When I look, then, at the different amounts paid by the two countries as glass and auction duties, I am led to the conclusion that from the remission of taxes upon important manufactures, Great Britain will derive by far the greater advantage. The proposition that England and Ireland should be subjected in all respects to equal taxation appears a plausible one; but that is not the question which you are now called upon to determine. What you are called upon now to decide is this :—whether Great Britain, being subject to the payment of a tax upon income derived from land, on income derived from office, on profits of trade, and on income obtained from all occupations to which salary is attached—you will determine that in Ireland, land, and land alone, shall be liable to this tax; whether you will exempt the manufacturer who carries on his trade in Ireland, from the operation of that tax, and restrict it solely to land? Now, the House must remember that, under existing circumstances, if an Irish landed proprietor be resident in England, he is liable to the Income Tax; and the tax, therefore, operates upon him as a powerful incentive—one more powerful, I fear, in some cases, than the obligations of duty—to reside in Ireland. The hon. Gentleman proposes that land, and land only, shall be subject to the impost. If he had said, as another hon. Gentleman, (Mr. W. Williams) did, “offices;” I think there is something plausible in that proposal; but I don't mean to adopt it. The hon. Gentleman says, “There are certain public servants with large salaries, let us tax them.” There really is something extremely captivating in that to those who share in the hon. Member's prejudices against public servants. The hon. Gentleman the Member for Bath does not propose that offices shall be taxed; so that the Lord Lieutenant would be exempt, whilst land alone is to bear the burden. I can't see the equality or the justice of the principle of the hon. Member for Bath. I am, therefore, on the whole, strongly in favour of the original proposition that, after mature consideration, I did, on the part of the Go-

vernment, propose to the House. I will ingly admit that on the first view of the case, justice would suggest the policy of applying this tax to Ireland—I admit that; but I must also say that subsequent consideration has confirmed our original views, and that to them we must adhere. The hon. Member for Essex (Sir J. Tyrell) said that I cheered the right hon. Gentleman opposite, the Member for Dungarvon, when he said, that to place the tax on Ireland would be “unjust.” I did nothing of the sort. I can't say now that abstractedly speaking it would be unjust. What I cheered was that part of the right hon. Gentleman's speech in which he said that it would be “impolitic.” In that sentiment I do entirely concur—for I cannot disregard the natural, moral, and political consequences in estimating the value of a tax of this sort. You may quote your passages from former speeches of mine where I said I thought justice would require that this tax should be applied to Ireland. I admit it; but when I look at the present state of that country—when I consider the transition that it is undergoing—when I see the brighter prospects that begin to dawn upon her—how men have been diverted from political agitation to exercise their faculties in more useful employments—when I behold men of different creeds leagued together in one common bond of mutual advantage, applying themselves to the improvement and prosperity of their native land—when I perceive the great and happy change that has been effected in public feeling in Ireland, I look forward with sanguine hopes to the brightest prospects for the future. If you ask me whether the 200,000*l.* which might be derived to the Revenue from the imposition of an Income Tax on Ireland be not a sufficient compensation for the risk and the evil it would inflict on that country, I say at once, no. I say at once, taking a large and comprehensive view of the state and condition of Ireland, and the Irish people, I advise you strenuously to relinquish such a small advantage. And I call upon you, moreover, to convince Ireland, predominant as you are, as the Representatives of the United Kingdom, that you are disposed on all occasions—this as well as the rest—to take a liberal and indulgent view of her interests, by showing that, while you consent to the imposition of a heavy tax upon yourselves for a further space of three years, you resolve not to apply the same tax to Ireland. Take

that course; relinquish your own peculiar advantages, and my belief is that you will be amply compensated by the feeling of reciprocal good-will that you will engender from the people whose wants and necessities, whose inferior condition with respect to wealth you have shown yourselves disposed to view with kindness and consideration.

Mr. Sergeant *Murphy* did not rise to address the House, because he in the least anticipated that the proposal of his hon. and learned Friend the Member for Bath would be acceded to. If his mere object in attending the debate were the delight to be derived from the exhibition of eloquence—from listening to the caustic satire of the hon. Member for Bath, or the luminous epigrammatic force of his right hon. Friend the Member for Dungarvon, he might have been amply gratified. There was one speech, however, which possessed a higher excellence than either, and that was the speech of the hon. Representative of the agriculturists of Essex (Sir J. Tyrell.) While he admired the incongruous combination that had been entered into between the hon. Member for Bath and the hon. Baronet, he must be allowed to award the palm of excellence to the speech of the latter hon. Member (Sir J. Tyrell.) To that hon. Gentleman he would apply the remarks that the right hon. Baronet at the head of the Government applied to the hon. Mover of the Address to Her Majesty at the commencement of this Session. The right hon. Baronet then said,—

“My hon. Friend who has spoken to-night I trust will remember what he has accomplished; and when he has met with the general approbation of all parties, he must not forget that he has acquired responsibility by his success. He has a long and I trust an honourable career before him. He has proved this day that he has the ability of distinguishing himself in the public service; and, unless he avails himself of those opportunities of exertion and distinction which he can command, he will greatly disappoint the hopes formed respecting him by the evidence he has given of great ability, great moderation, great judgment, and great discretion.”

How he envied the agreeable occupation of his hon. and learned Friend, combining the double function of Pan and Mercury—and driving before him to the new lobby so thriving a flock,

“—— gregem viridi compellere hibisco.”

Still he could not on the present occasion,

feel that the Member for Bath was a fitting type of the old quotation,

“Who drives fat cattle should himself be fat!”

The hon. Member for Essex had instanced his present position as one akin to that which, like misery, made one acquainted with strange bed-fellows. He wondered if the hon. Member for Essex looked upon the hon. Member for Bath as one of the “lively crawlers” to whom he had made such significant allusion. Whatever was the result of all that had been said, he must be allowed to characterise the present as an extraordinary juxtaposition. At the same time, he would exclaim with Caracacus to Claudius, “Why do you with so heavy a tail here envy us with our small tail at home?” He had frequently seen his hon. and learned Friend standing, like a hand grenade, in the middle of the floor of that House, no one knowing where he would explode, or where he would scatter his fire; but he had not thought that so small a comet could attach to himself so heavy a tail. As, however, his hon. and learned Friend had taken such a tail, he wished him joy of the acquisition. There was another speech to which he must refer, that of the right hon. Baronet at the head of the Government, the raciness or the spirit of which he did not know which most to admire. Admirably had the right hon. Baronet dealt with the heavy wit of his hon. Friend the Member for Montrose, who had been caught by the expression of the hon. and gallant Member for Donegal (Colonel Conolly). He was happy to believe that one source of the gallant Officer’s income was derived from the fisheries. He was sure that his hon. Friend never had so large a spent salmon on his hooks before. These odd associations really made the discussion pre-eminently ludicrous. For a moment, however, to be more serious. His hon. and learned Friend did not seem to be aware that a deep sensitiveness of feeling marked the Irish character; and he must say that the terms of deep opprobrium, and almost of withering contempt, in which he had spoken of the absence of certain hon. Friends of his from that House were wholly undeserved and unjust. Mr. S. O’Brien had gained for himself the highest respect and esteem from every one, and he had made a speech in that House which had entitled him to be ranked amongst the highest in the class of argumentative debaters. He (Mr. Sergeant Murphy) was extremely sorry, therefore,

that his hon. and learned Friend had allowed himself to speak of that hon. Gentleman as he had done, and he was equally sorry that he had made this Motion at all. He was sorry, because he doubted not that the hon. and learned Gentleman's observations would be re-echoed from Ireland, not as an arrow coming from the shafts of Orangemen—not as an arrow from the shafts of a consistent bitter enemy of freedom; but as one shot by a Gentleman, the whole of whose career might be said in some degree to resemble their own—from a Gentleman who was endowed with great talent, of high honour, and of great distinction, who had thrown himself into the breach in England, and had shown himself as a man ready to fight the good fight of popular measures. The absentees from that House might be mistaken, but his hon. and learned Friend should have been the last to blame them; and when he was so caustic on the Member for Dungarvon's recommendation that he should read Burke's speech on conciliation with America, he might have been reminded by the name of that country how close was its neighbourhood to Canada. He was sorry that the remarks had come from the source whence they had; and he believed that his hon. and learned Friend would be glad of an opportunity to admit that he had employed unguarded expressions. With regard to the Motion immediately before the House, the arguments *pro* and *con* had been so completely sifted by the right hon. Gentleman the Chancellor of the Exchequer, and by the right hon. Baronet at the head of the Government, that it was unnecessary for him to say one word; neither was it a question for consideration, for the House would be almost unanimous in its decision. But there was one point to which he wished to refer. The hon. and learned Gentleman said, "Put a tax on real property in Ireland;" but where would he find it? Where was there an estate in Ireland that was free from mortgages? Then what was the panacea for all the ills of Ireland? Gentlemen on both sides of the House said, "Be peaceable, and see what will follow—you are in a wretchedly poor and impoverished condition; be peaceable, and, as you have no money of your own, capital will then flow in from England, and your condition will be improved." Yet those who counselled them to be peaceable on this ground, joined with the hon. and learned Member for Bath, and endeavoured to add to their distresses by the im-

position of an obnoxious tax, which they were unable to pay. He would ask his hon. Friend if it were politic so to act when Ireland was in its present state—

"——— per ignes
Suppositos cineri doloso?"

In conclusion, as he had before said, he had reason not to discuss the measure, because it was not a measure for argument, but he did enter his protest against the Motion of his hon. and learned Friend on the ground of its great impolicy.

Colonel Rawdon must oppose the Motion of his hon. and learned Friend; and he did so because he believed that if acceded to, it would materially interfere with, and render problematical, the good Government of the country. The people of Ireland were ready fairly to contribute their portion to meet the exigencies of the country; but in matters of this kind prudential motives of policy should not be lost sight of, and he certainly was of opinion that the Motion of his hon. and learned Friend was characterised in an eminent degree by the absence of any prudential motive. It must be clear to every one, that the hon. and learned Member for Bath was envious because Ireland did not pay every tax that he paid himself. He was of opinion also that that hon. and learned Gentleman had chosen a singular time for wishing to impose this tax upon Ireland. He appeared to have chosen the first moment of prosperity that had dawned upon that country for some time; and he feared that the hon. and learned Member had formed his view of Irish prosperity in great part upon the speech of his hon. and learned Friend the Member for Donegal (Colonel Conolly). But his hon. and gallant Friend was, as the House knew, of a rather sanguine temperament—somewhat inclined to view things a little *coulour de rose*. There were, he believed, measures in progress that might, ere long, add much to the improved condition of Ireland; but still he was aware that at this time many persons in the middle ranks of life, and almost all the small traders, found their local burdens extremely oppressive; and he (Colonel Rawdon) was convinced, if the Income Tax were imposed upon them, that it would be the cause of very great distress. He must say he had seen Irish country gentlemen superintending the improvement of their estates, and watching with paternal care the comfort of their tenantry; and he did not think this was a safe moment to malign them. As a matter of history he

might be allowed to state, that to the country gentlemen and landed interest of England in the House of Commons, had been principally ascribed the policy pursued towards America in the last century. Some of the country gentlemen of England were now about to vote with the hon. and learned Member for Bath. In 1764 they supposed that by imposing a tax upon America, their own burdens would be lightened; but what was the consequence? Why, that in 1765 the papers contained these words: "Matters of importance have lately occurred in America." The fact was, America had resisted. The interest of money rose, the funds fell, and the value of real property declined. This was the work of the country gentlemen; and when they saw that something had gone wrong, they were obliged to retrace their steps. It would be unworthy to talk of fear, but prudential motives should prevail; and it was not an unbecoming course for him, as a Member of that House, to pursue, to point to the history of America. The mooted question in the House of Commons, he feared, would cause considerable mischief. He deplored it, for he believed that the success of the Motion would render the government of Ireland very difficult. The House might hasten the day of separation between the two countries if this Measure were passed; but if it would be able to adjourn that day for ever, it must be by doing justice.

Mr. *Curteis* was opposed to all Property and Income Tax, and he could not, therefore, vote for the Motion of the hon. and learned Member for Bath. He thought that a Property and Income Tax was so great an evil that they ought to be ashamed of themselves if, for any pecuniary consideration, they imposed it upon Ireland. The agricultural interest of England was deeply interested in this question, and he thought the representatives of the landed interest in that House had not done all that they might do in opposing this tax. He was altogether opposed to it, and he thought that if the representatives of the agricultural interest in that House were not shackled with party ties, they would take his view of the case. He did not mean to say that the tax was not a burden upon a variety of interests in this country, but he believed it pressed with greater weight upon the landed interest. These were the sentiments of a large proportion of the landed interest of the country, and he thought it would be a great boon to

them to have the tax remitted; but he did not think that he had the support of a sufficiently large section to expect that he could effectually oppose it. He should be sorry to give hon. Members the trouble of dividing on the question of the Income Tax; but he did not think he should be doing his duty if he did not take an opportunity of recording his vote, in common with the few who might support him, in his opposition to this odious tax, which was particularly obnoxious in a time of peace, and when the necessities of the country did not render it necessary. It was a satisfaction to him that, if he should not meet the support of the bench beneath him, he had at least the speeches of several of those hon. Members in his favour to a great extent; and he hoped that there was a large number of independent Members in the House who felt themselves unconnected with any party whatever, who would agree with him in thinking that a Property Tax was a measure which at least ought to be abated, and who would support him when they came to vote on his Motion with respect to the main proposition. He would appeal to the independent Irish Members to give him their support when he should oppose this tax, as he was now opposed to the imposition of such an odious taxation upon them. He would again express his regret at giving hon. Members the trouble of dividing on the main proposition. He was unwilling to intrude himself frequently upon the House, but he felt it his duty to his constituents to divide the House upon the question of the imposition of the Property and Income Tax.

Mr. *Blackstone* felt considerable difficulty in giving his vote on this question. On the one hand, if he were to vote for the Motion of the hon. and learned Member for Bath, he believed it would be a just vote, but tantamount to an expression of his opinion that the Property Tax should be a permanent tax upon the country; and, on the other hand, he should consider himself as giving an unjust vote if it were to fix a tax upon England, Scotland, and Wales, without including Ireland. His hon. Friend the Member for the Northern Division of Essex had read a quotation from a speech of the right hon. Baronet when he was leader of the Opposition in 1833, clearly expressing his opinion against a Property Tax. He was at that time a humble supporter of the right hon. Baronet, but he had not yet seen rea-

son to change his opinion. He frankly confessed that he saw no indications whatever on the part of the Ministers of the Crown, who proposed the continuance of the Income and Property Tax for three years longer, for assuming that at the end of that time there would be a final termination of it; and under these circumstances he should certainly feel it his bounden duty to vote for the Motion of the hon. and learned Member for Bath, unless he received an assurance on the part of the Government that the tax was really imposed only for three years. He could not disguise from himself the fact, that this was a tax which, as far as the Government were concerned, was found to be a progressively improving tax; year after year it would increase in proportion as the wealth of the country increased; and this circumstance would be a sufficient reason, when the three years were expired, for the Government to say, "We will not repeal this tax, because it is a very improving tax." It should not be disguised from hon. Members, that the time for which the duration of the tax was proposed was at a period after the dissolution of the present Parliament and the election of another; and he should have approved of it better if it were proposed from year to year. But, after all, there was one tax which he should be extremely glad to see either repealed or modified. He meant the Malt Tax. On this subject it was constantly asked, "How can you spare so large a portion of the revenue of the country?" His hon. Friend (Sir J. Tyrell) had alluded to the speech of the right hon. Baronet when he was leader of the Opposition, and Lord Althorp was the leader of that House; and he (Mr. Blackstone) again alluded to the subject, because the right hon. Baronet had at that period thrown out an indication that it was impossible to apply an Income Tax to England and Scotland without including Ireland. He said,—

"Now, my prophecy is, that you will make that tax necessary; to that you must come at last, if you will repeal the Malt tax. And I congratulate you, gentlemen, of the landed interest, on finding yourselves relieved from the pressure of the Malt Tax, and falling on a good comfortable Property Tax."

But as the right hon. Gentleman had only looked for support against a repeal of the Malt Tax, he then turned round and said,—

"The hon. and learned Member for Ireland

—I mean for Dublin—in reference to the imposition of a Property Tax, said on a former occasion, that if it was to be laid on, it ought to affect all His Majesty's subjects equally, and certainly this was no more than justice. I beg, then, the Representatives of Ireland to consider what will be their situation if they vote for the repeal of the duty on malt. It would be infinitely worse even than that of the occupiers of clay soils in England. Ireland pays at present but 240,000*l.* out of the 4,800,000*l.* which the Malt Tax produces, and it would be a great hardship to Ireland to have a Property Tax imposed upon her as a countervailing substitute for her moderate proportion of the Malt Tax. They may depend upon it, however, that a Property Tax is inevitable if the Malt Tax is repealed; and the attempt, I will not say to levy that tax, if imposed—for I must presume the people of Ireland would obey the laws—but to impose the tax in this House, would be a fruitless undertaking."

Now, we had seen the Property Tax imposed upon this country, and he begged the right hon. Gentleman to fulfil his prophetic inspirations, and put it upon Ireland likewise, as composing an equal proportion of Her Majesty's subjects.

Mr. Wallace said, that having been a Commissioner under the old tax, he had witnessed such scenes of hardship and degradation, that nothing which he could then foresee could have induced him to give his support to a renewal of the cause of such occurrences, thinking, as he then did, that it was impossible to separate the Property and the Income Tax. But in that he now found himself mistaken, for our system of taxation was now so much improved that the distinction was easily observed. He considered a Property Tax a just and right one, but he objected to an Income Tax. With all his objections, however, he voted for the proposition of the right hon. Baronet, because he considered the application of his scheme of taxation wise and prudent. He also told the House freely and frankly that he should vote against the proposition of the hon. Member for Bath, in order that the growing prosperity of Ireland might be encouraged and promoted to the utmost.

Colonel Sibthorp should feel it his duty to support the Motion of the hon. Member for Bath; and he had no hesitation in coming to this conclusion, as the right hon. Baronet would not distinctly and unequivocally affirm that in three years the tax should cease. Why were they to make an exception in favour of Ireland? No man felt more sensibly than he did for Ireland;

he had served in that country, and he admired it; but the right hon. Baronet certainly was not following the course most likely to promote the public good by omitting it. These were his sentiments.

Viscount Palmerston said: Sir, whatever may be the result of the Motion of the hon. and learned Gentleman the Member for Bath (Mr. Roebuck), he certainly will have the satisfaction of having performed this evening an almost unexampled feat, for he has obtained the support of persons who undoubtedly on most subjects are as widely apart as it is possible to be. He will go to the division supported by the hon. Member for Birmingham; by the hon. and gallant Member for Lincoln; by the hon. Member for Essex; and by one or two others almost equally opposed to each other. Sir, I am not sorry, however, that the hon. and learned Gentleman has made the Motion we are now discussing, because I think that the result will show to the people of Ireland that the Members of this House most justly give a considerate attention to the affairs of that portion of the United Kingdom. I am not sorry, Sir, that the hon. and learned Gentleman has brought forward this Motion; but if he will allow me to say so, I do regret much of the speech by which he introduced it. I think there were portions of that speech having reference to Ireland and to Irish Members of this House, in which the hon. and learned Gentleman expressed himself in language of which he will not, I think, after full and mature consideration, be disposed to approve; for I am sure if any other hon. Member had used that language, he would have been the first to express disapprobation of it. Sir, I am not one of those who lay much stress on the argument that we ought not to impose this tax on Ireland on account of the political agitation which exists in that country. I think the mere fact of the existence of political agitation—if that agitation was not founded on real and practical grievances—no good reason why the tax should not be applied to Ireland, if it was in other respects just and expedient that the tax should be extended to that country. But I cannot shut my eyes to the fact that the Irish people generally are, and have been long, labouring under heavy grievances. And therefore I think, not because agitation exists, but because there is just ground of complaint, that the House ought not to accede to the proposition of the hon. and learned Member, and inflict this tax upon Ireland. But,

Sir, the hon. and learned Gentleman is not consistent in arguing the grounds on which his Motion has been proposed; because, I contend, that we ought to lay equal taxes on Ireland as in England, as was well pointed out by the right hon. Baronet at the head of Her Majesty's Government. The hon. and learned Member proposes to apply only one portion of this tax to Ireland—therefore, instead of producing equality, he would only increase the inequality of which he complains. If the tax is to exclude Ireland, there is no reason why it should not be imposed in the same manner as in this country. If there be grounds for extending the tax to Ireland, extend it in the same way in which it is laid upon the people of England. But, Sir, I think it would be extremely impolitic and unwise to extend it to Ireland. And, in the first place, I am convinced that it would not, if imposed, produce the revenue which the supporters of the hon. and learned Gentleman's proposition may be led to expect. It ought to be remembered that the absentee proprietors pay the tax already. One of the grievances under which Ireland labours is the want of capital for local improvement. But by laying a tax on resident proprietors, you diminish the capital for the employment of labour and the improvement of the land. We have been arguing for years that one great benefit that would result from removing the discontents of Ireland would be, that capital would flow into that country, and thus would its interests and prosperity be greatly promoted. But the imposition of this tax would have the effect of diminishing the small share of capital already existing in Ireland, instead of increasing it. Ireland, from a variety of circumstances, is undoubtedly a much poorer country than England. You may no doubt increase the Revenue by imposing this tax on Ireland; but in my opinion it would be extremely disadvantageous and impolitic to impose it. If you will give to Ireland as much relief from taxes as possible—if you follow out the principle of exonerating her from many taxes which now press and formerly pressed on this country—if you will do what you can to call forth the resources of that country, and to pour a larger share of capital into it, you will do that which is best calculated to promote her prosperity. But, taking the matter in the narrowest and most selfish view—to make Ireland most conducive to the general prosperity of the Empire, I am persuaded the best plan you

could adopt would be, not to apply to it this Income and Property Tax, which you are now going to continue in this country. Ireland, I am happy to say, is now beginning to take a start—English capital is beginning to flow into the country—railways are now beginning to be constructed—other improvements are being effected—and I trust that many of those now present will, in the course of a few years, see Ireland occupy a different position from that which she has hitherto occupied as a portion of this great Empire, and that she will contribute to the country that share of capital which her resources and the energies of her population will enable her to supply. If the landed gentry of England, and the people of England, wish to look forward to any great relief from the burdens which now press upon them, I feel satisfied that that relief may be found in the increased prosperity of Ireland.

Mr. S. Crawford wished to say a very few words before he voted on this question. He must say that he found considerable difficulty and some pain in deciding on the vote he thought it necessary to give on this question; for he stood there as one of the representatives of England, and at the same time he was personally interested in the subject of the vote about to be come to. He wished to give relief to the working classes of the Empire; and he believed that was the real question they had to consider before they made up their minds as to how they should vote on the question before the House. He had voted with the right hon. Baronet at the head of Her Majesty's Government for a continuance of the Property and Income Tax in England, and his object in so voting was that the working classes might obtain relief by the remission of taxation proposed by the right hon. Baronet. Well, then, as one of the representatives of England, he could not bring himself to say that the landed property of Ireland should be exempt from this tax. He felt that the country had derived much benefit from the measures of the right hon. Baronet; and he was of opinion that if the proposition of the hon. and learned Member for Bath were carried, much good would thereby accrue to the small holders and the labouring classes of Ireland. Though he knew there were many reasons why Ireland might claim exemption from increasing taxation, when he was called on to give his vote, he must say that he could not bring himself to feel that the landed property of

Ireland should be exempt from a portion of this tax. He stood there anxious to do his duty, and he was placed in such a position that it could not be said personal interest had influenced his decision. Though there were many reasons why Ireland might claim exemption from further taxation, he felt himself compelled to vote for the proposition of the hon. and learned Member for Bath.

Mr. Darby said he would state the grounds on which he would give his vote in distinct opposition to the hon. Member for Bath. That hon. Member seemed little to understand the matter. His motion was inconsistent with his speech. Whatever might be his own views as to the continuance of the Property Tax in this country, it certainly would not at this moment, in his opinion, be paying a due regard to good policy, or to the interests of all classes, to lay that tax upon Ireland. At the present moment to extend that tax to Ireland would be highly impolitic.

Mr. Roebuck said that if he rightly understood the temper and feeling of the House of Commons, they were to give a man on all occasions fair play. He was then claiming the opportunity of making a reply, which he would not ask, if he did not stand in a peculiar position. That position was, that though many felt with him, very few had spoken with him. He had been, with a slight exception, attacked, he might say, by almost every speaker who had spoken on the question, and by some not altogether in terms that might have been expected on that occasion. Before he sat down, he hoped he should have the opportunity of repaying his friends with interest. The right hon. Baronet at the head of the Government had said that a great change in his opinion had taken place. The right hon. Baronet had commenced official life, he might say, as Secretary for Ireland, and had lived uninterruptedly in office to 1829; and the right hon. Baronet, with all the means of information which he possessed, had then held the same opinion as he himself had that evening expressed. Having left the soft cushion of office, the right hon. Baronet had passed for a time into the cold and dreary region of opposition. After the right hon. Baronet had, with great care and astonishing tact, again collected a great party together, what was his first expression of opinion in this very case? The opinion of the right hon. Baronet in 1833 was the same as he had that evening expressed. In 1835 the right hon. Baronet

returned to office. He was then called upon to express his opinion on this subject, and again expressed the opinion which he (Mr. Roebuck) had that evening expressed. If, then, it were true, as a description of his Motion, that it was of an exceedingly unstatesmanlike character, that it was an imprudent and impolitic Motion—he was using phrases which had been used by hon. Members—he would like to know what they were to consider of the right hon. Baronet's opinion in 1835. Would any man now turn round to the right hon. Baronet, and say that his opinion was an impolitic opinion, and one unfit to be broached? The right hon. Baronet was an authority in 1835, and he could quote him on his side. He would therefore say that the charge of impolicy and want of care in making this Motion, came with little grace from the right hon. Gentleman. Some hon. Members—the Member for Warwickshire, for instance and the Member for Waterford—had chosen to speak of him and of his Motion in a somewhat contemptuous manner. The hon. Member for Warwickshire had used phrases expressing great personal insignificance. He had been described as a very insignificant reasoner—as if all that he had advanced were worth nothing.

Mr. *Newdegate* rose to explain. He had not used any terms expressive of an opinion that the reasoning of the hon. and learned Member for Bath was insignificant. The opinion which he had expressed, and to which he still adhered, was, that his Motion was mischievous.

Mr. *Roebuck* : The hon. Gentleman had a perfect right to entertain such an impression of his Motion, and for so doing he (Mr. Roebuck) confessed he had no right to quarrel with him. The hon. Member for Waterford—and his expression was one which he had certainly expected would have been earlier stopped by the Chairman—had made use of an observation at which he had been tempted to laugh, however unparliamentary that might have been. That hon. Gentleman had said, that what he (Mr. Roebuck) had said, in reference to certain absent parties, he would not have dared to say had they been present. The hon. Gentleman was from Ireland, and let the House just mark the way in which he made his observations. He said, that if the Members complained of had been present, he (Mr. Roebuck) would not have dared to complain of their absence.

Sir *H. W. Barron* rose to explain. He had made no such observation with regard

to the absence of Members of that House, as the hon. and learned Gentleman had so adroitly stated. It was not to that his observation referred. The hon. and learned Gentleman had put an expression into his mouth merely to create a laugh. What he did say was, that the hon. and learned Gentleman should not use the words “personal insignificance” as applied to absent Gentlemen. He had said such words, for he had put them down at the time they were used. He had spoken of the “personal insignificance” of these Gentlemen, and that they could be well spared from their places in that House. What he had said was, that the hon. and learned Gentleman would not have dared to have used such words had these Members been present.

Mr. *Roebuck* : From his experience in the cross-examination of witnesses he had learnt that when a witness was in a certain state of mind, it was always the best course to let him tell his own story. The hon. Member had just told his. What he had complained of, was not the peculiar phraseology used ; he was merely quoting one word which he thought might be considered objectionable. That which he was about to complain of was the use of the word “dare.” Now, what did he not dare to do? Dared he not say that these Gentlemen had deserted their post. Like sentinels placed on duty, when danger came, they had thrown down their muskets and run away. Dared he not say that? Dared he not say that in many cases mortified vanity had led to that desertion? That such was the case was his deliberate opinion, and he repeated it. His hon. and learned Friend the Member for Cork had made an appeal to his (Mr. Roebuck's) kind feelings, and the right hon. Gentleman the Member for Dungarvon had also remarked on the peculiarity and strength of the phraseology which he had used. Of whom, he would ask, was he speaking, when he used such phraseology? Of persons careful of their own phraseology towards Gentlemen of that House? He saw the hon. Gentleman the Member for Finsbury in his seat, and also an hon. Gentleman (Mr. Bellew) sitting on one of the back benches, who figured in that day's report of proceedings of the very head of the party of Seceders. The phraseology employed, according to the report of these proceedings, was such as not to conciliate care on his part as to the words he should use in respect to those Gentlemen. The most dishonourable motives were by those

Gentlemen imputed to others; the most vulgar expressions were used by them, and every mountebank art resorted to—for he could tell the House there were great as well as little mountebanks—every mountebank art was resorted to, for the purpose of casting odium and reproach on every Member of that House who had in any way expressed, even though in the most guarded phraseology, anything like blame of these hon. Gentlemen. The appeal made to him by the hon. and learned Member for Cork, and what had been said by the right hon. Gentleman the Member for Dungarvon, called on him to make this answer. He would not have deigned to reply to the hon. Member for Waterford. To the other hon. Gentleman he would say, that he had a right strongly to express his opinion of those persons; and if their own phrases were properly considered, he might have employed much stronger language in marking his opinion of their behaviour both before and after their desertion of their posts. As to the right hon. Gentleman at the head of the Government, he was sure that he (the right hon. Baronet) would be obliged to him. He had shown him that he was all potent. The right hon. Gentleman, therefore, should be grateful to him. The right hon. Gentleman should be satisfied with himself, and with him (Mr. Roebuck) likewise. He did not desire to impute to hon. Gentlemen any improper motives. He was only barely using an argument—which he had a right to use—on a topic like that then before the House. The agricultural Members were now to vote—though with strong reluctance—with the right hon. Baronet. They had complained of agricultural distress, and now that he proposed a measure which would partially relieve them, by extending the burden of the Property Tax to Ireland, they were still determined to vote with the right hon. Gentleman in opposition to his (Mr. Roebuck's) proposition. This showed the power of the right hon. Baronet over those Gentlemen, and for that the right hon. Baronet should be grateful to him. It was to be hoped, however, that they would hear no more of agricultural Members complaining of agricultural distress, and asking the right hon. Gentleman—and bowing at his feet while they asked—it to relieve them. We were coming to the end of some things, though not of all things, but he hoped we were approaching the term of such complaints. These Gentlemen would now learn

thoroughly to appreciate their chances of redress. The right hon. Gentleman said that the exemption of Ireland from the operation of the tax was unjust, or that at first sight it appeared to be unjust; but he said to impose it upon Ireland would be impolitic. Why was it impolitic? The right hon. Baronet gave a description of the present state of Ireland, and warned him that the tendency of his proposition was to stop the flow of capital into that country. But he did not show how the proposition made by him was to interfere with the flow of capital into Ireland. He did not propose to touch English capital, or to prevent it from flowing into Ireland. What he proposed to the House of Commons, and what had strongly impressed itself on the mind of the hon. Member for Rochdale, was this alternative, that they must either tax the rich men of Ireland, or still continue more heavily to tax the hard-working people of England. That was his proposition. And how was it met? By telling them that capital was flowing into Ireland, and that there would be mischief in his proposition. That did not show that the taxing of the great landlords of Ireland would stop a single pound of capital from flowing into that country. And that was the only argument used. They had been told very significantly, both by the hon. Member for Armagh and the hon. Member for Dungarvon, that if they imposed this tax upon Ireland, they might expect a revolution as the result. There was no mincing the question. What was to bring about a revolution? Were they going to do mischief to the people of Ireland? Did he propose that they should do injustice to the people of Ireland? They were not going to touch the people—the working classes—the middle classes of that country. What he asked of them was, that they should touch the landlords of Ireland; and they were told by hon. Gentlemen that if they did so, there would be a revolution. The Protestant population of Ireland embraced those who held at least nine-tenths of the land in Ireland. It was those whom he wished to see taxed, as they were taxed in England; and then the hon. Gentlemen the Members for Armagh and Dungarvon told them that if they did tax the Irish landlord, the Irish peasant would rise in rebellion. Did they believe that? Could the country believe it? He did not believe that with all the arts which might be employed, and had been employed, to raise and incite the people of

that country, this would lead to one single particle of mischief or agitation in that country, by taxing the landlords of Ireland. The hon. Member for Montrose clearly stated that the remission of the duties proposed to be remitted, such as the duties on cotton and on glass, extended to Ireland. The Irish people would also have the benefit of the reduction in the Sugar Duties; but then came the right hon. Gentleman, and, guarding himself to a certain degree, read a certain set of figures, showing the amount of taxes paid by Ireland on raw materials. Now, the right hon. Gentleman knew as well as he did, that there were no manufactures in Ireland. But, as the right hon. Gentleman must know that all the goods on which the duties were proposed to be remitted, when they came into the possession of the consumer, would be at a lower price than before, how could he draw any inference at all by reading a set of figures as to the taxes paid by that country on raw materials? That had nothing to do with the matter. They had a large population who would derive benefit from the proposed relaxation. He asked them still further to benefit that population, and they turned round upon him, and almost every hon. Member from Ireland who had spoken being himself interested in land, had come forward and told them that if they taxed the landlords of that country they would have a revolution. The right hon. Gentleman the Chancellor of the Exchequer had put forward an argument about the stamp duties levied in Ireland. Why, the right hon. Gentleman might remit them. If his proposition were rejected, the House ought to bear in mind that this tax would be as bad as possible; but if they adopted it as a substantive proposition, such amendments as they approved of could be introduced. Let his proposition, however, be rejected, and then the tax would be as bad as it possibly could be. Then this odious, this fatal tax, as it had been called by an Irish Member, would fall upon the hard-working people of England solely, and that, too, for the benefit of the Irish landlords. He only hoped that this country would not be imposed upon—that they would believe that all that he proposed was this, that he wished that the Revenue should receive the contributions of the rich—that those contributions should come in aid of the great body of his fellow-countrymen who lived by their labour. When he was asked, was he a friend to

Ireland? he said, in answer to that question, and he said it to hon. Gentlemen on that as well as the other side of the House, that he had never voted for a Coercion Bill—that he had never voted for a continuance of the Irish Church—that he had endeavoured to relieve the Irish people from what he believed to be injustice; but then he would not on that account do the people of England the gross injustice of allowing to escape from this tax those who ought to pay the tax, and who, if they were generous, ought to solicit to be taxed. [*A laugh.*] He understood that laugh; but he said that the landlords of Ireland ought to think of that which was for the interest of Great Britain and Ireland. If they did think of it, then he said let them fairly contribute their fair and honest share to the burdens of the State. They ought (he said) to be included amongst those who paid the Property Tax. It was that from which they now shrunk, and in doing so did not act consistently with that natural generosity which belonged to the Irish people.

Viscount Castlereagh said he did not often intrude on the attention of the House; but in the present case he thought that the hon. and learned Gentleman had been too much carried away by his eloquence, and by those strong feelings which naturally, and perhaps unconsciously, bore him too far. He thought the hon. and learned Member was evidently not acquainted with the real state of the case, he having attacked the landlords of Ireland for not paying their proportion to the Income Tax, a tax which was laid on the people of England. The hon. and learned Gentleman charged the Irish landlords, who were receiving large rents from Ireland, with not paying their share of the public burdens: but he hoped to be enabled to say that which would satisfy the House and the hon. Member, that the landlords of Ireland did pay their contributions to the Property Tax. He assured the House that the Irish landlords paid their little contingency to the Income Tax. There might be some landlords who spent their incomes abroad and elsewhere in order to escape the Income Tax; but then there were others who had property both in Ireland and England who gave their quota to the Income Tax, and who felt that Ireland was benefited by their contributions to this tax. He would tell the hon. Gentleman that he contributed 80*l.* yearly to the Income Tax, although he did not receive a shilling from landed pro-

perty in England, and he never expected to have a shilling. Therefore the hon. and learned Gentleman was perfectly wrong. It was not for him or for the hon. Member for Bath to introduce measures for Ireland—it was for Her Majesty's Government. If landed proprietors did their duty in their several stations, and if they were supported by Government, there would be no complaints about the Income Tax in Ireland, or any other thing. The landlords of Ireland were ever ready, anxious, and willing to contribute to the burdens of the State equally with the landlords of England.

The Committee divided on the question that the words proposed by Mr. Roebuck be added: Ayes 33; Noes 275:—Majority 242.

List of the AYES.

Ainsworth, P.	Hastie, A.
Blackstone, W. S.	Hollond, R.
Bowring, Dr.	Hume, J.
Buller, C.	Lawson, A.
Byng, rt. hon. G. S.	Mitchell, T. A.
Christie, W. D.	Morris, D.
Colborne, hn. W.N.R.	Muntz, G. F.
Copeland, Ald.	Napier, Sir C.
Craig, W. G.	Russell, Lord E.
Crawford, W. S.	Sibthorp, C.
Currie, R.	Stansfield, W. R. C.
Dick, Q.	Strutt, E.
Drax, J. S. W. S. E.	Tancred, H. W.
Duncan, G.	Trelawny, J. S.
Duncombe, hon. O.	Wawn, J. T.
Dundas, F.	TELLERS.
Gill, T.	Roebuck, J. A.
Granger, T. C.	Tyrell, Sir J. T.

List of the NOES.

Acland, Sir T. D.	Bellew, R. M.
Adderley, C. B.	Benbow, J.
Alexander, N.	Bentinck, Lord G.
Alford, Visct.	Beresford, Major
Allix, J. P.	Bernal, R.
Anson, hon. Col.	Bernard, Visct.
Antrobus, E.	Blake, M. J.
Archdall, Capt. M.	Blakemore, R.
Arkwright, G.	Blandford, Marq. of
Arundel and Surrey, Earl of	Blewitt, R. J.
Ashley, Lord	Bodkin, W. H.
Astell, W.	Boldero, H. G.
Baillie, H. J.	Borthwick, P.
Baird, W.	Botfield, B.
Baldwin, B.	Bowles, Adm.
Barclay, D.	Boyd, J.
Barnard, E. G.	Broadley, H.
Barneby, J.	Brotherton, J.
Barron, Sir H. W.	Browne, hon. W.
Baskerville, T. B. M.	Brownrigg, J. S.
Bateson, T.	Bruce, Lord E.
Beckett, W.	Bruce, C. L. C.
	Bruges, W. H. L.

Buckley, E.	Fuller, A. E.
Buller, Sir J. Y.	Gladstone, rt. hn. W. E.
Bunbury, T.	Gladstone, Capt.
Busfield, W.	Godson, R.
Butler, hon. Col.	Gordon, hon. Capt.
Butler, P. S.	Gore, M.
Cardwell, E.	Gore, hon. R.
Carew, hon. R. S.	Goring, C.
Castlereagh, Visct.	Goulburn, rt. hon. H.
Cavendish, hn. C. C.	Graham, rt. hn. Sir J.
Charteris, hon. F.	Granby, Marq. of
Chetwode, Sir J.	Greenall, P.
Childers, J. W.	Gregory, W. H.
Cholmondeley, hn. H.	Grey, rt. hon. Sir G.
Clerk, rt. hn. Sir G.	Grimston, Visct.
Clifton, J. T.	Grogan, E.
Clive, hon. R. H.	Hale, R. B.
Cochrane, A.	Halford, Sir H.
Cockburn, rt. hn. Sir G.	Hamilton, G. A.
Colebrooke, Sir T. E.	Hamilton, W. J.
Collett, W. R.	Hamilton, Lord C.
Collett, J.	Hanmer, Sir J.
Colquhoun, J. C.	Harcourt, G. G.
Compton, H. C.	Harris, hon. Capt.
Conolly, Col.	Hawes, B.
Corry, rt. hon. H.	Hayes, Sir E.
Courtenay, Lord	Heneage, G. H. W.
Cowper, hon. W. F.	Henley, J. W.
Cripps, W.	Hepburn, Sir T. B.
Curteis, H. B.	Herbert, rt. hon. S.
Dalrymple, Capt.	Hervey, Lord A.
Damer, hon. Col.	Hogg, J. W.
Darby, G.	Hope, hon. C.
Dashwood, G. H.	Hope, G. W.
Dawson, hon. T. V.	Horsman, E.
Denison, E. B.	Howard, Sir R.
Dickinson, F. H.	Hughes, W. B.
Douglas, Sir H.	Hutt, W.
Douglas, Sir C. E.	Inglis, Sir R. H.
Douglas, J. D. S.	James, W.
Douro, Marq. of	James, Sir W. C.
Drummond, H. H.	Jermyn, Earl
Duke, Sir J.	Jervis, J.
Duncannon, Visct.	Jocelyn, Visct.
Duncombe, T.	Johnstone, H.
Duncombe, hon. A.	Jones, Capt.
Dundas, Adm.	Kemble, H.
East, J. B.	Lambton, H.
Eastnor, Visct.	Law, hon. C. E.
Eaton, R. J.	Layard, Capt.
Egerton, W. T.	Lefroy, A.
Entwisle, W.	Legh, G. C.
Escott, B.	Lemon, Sir C.
Esmonde, Sir T.	Lennox, Lord A.
Estcourt, T. G. B.	Leslie, C. P.
Evans, W.	Liddell, hon. H. T.
Ewart, W.	Lincoln, Earl of
Farnham, E. B.	Lockhart, W.
Ferguson, Sir R. A.	Lowther, Sir J. H.
Ferrand, W. B.	Lowther, hon. Col.
Fitzmaurice, hon. W.	Lygon, hon. Gen.
Fitzroy, hon. H.	McGeachy, F. A.
Flower, Sir J.	Mackenzie, W. F.
Forbes, W.	Mackinnon, W. A.
Forster, M.	Maclean, D.
Fox, S. L.	Macnamara, Major
Fremantle, rt. hn. Sir T.	McNeill, D.

Mainwaring, T.	Russell, J. D. W.
Manners, Lord C. S.	Ryder, hon. G. D.
March, Earl of	Sanderson, R.
Martin, J.	Sandon, Visct.
Martin, T. B.	Shaw, rt. hn. F.
Masterman, J.	Sheil, rt. hon. R. L.
Maxwell, hon. J. P.	Smith, A.
Mildmay, H. S. J.	Smith, rt. hn. T. B. C.
Miles, P. W. S.	Smythe, hon. G.
Milnes, R. M.	Somerset, Lord G.
Mitcalfe, H.	Somerton, Visct.
Mordaunt, Sir J.	Somerville, Sir W. M.
Morgan, O.	Somes, J.
Morison, Gen.	Sotherton, T. H. S.
Mundy, E. M.	Spooner, R.
Murphy, F. S.	Stanton, W. H.
Murray, A.	Stewart, J.
Newdegate, C. N.	Stuart, H.
Newport, Visct.	Sutton, hon. H. M.
Newry, Visct.	Taylor, E.
Nicholl, right hon. J.	Tennent, J. E.
Northland, Visct.	Thesiger, Sir F.
Owen, Sir J.	Thornely, T.
Packe, C. W.	Thornhill, G.
Paget, Col.	Tollemache, J.
Pakington, J. S.	Towneley, J.
Palmerston, Visct.	Trench, Sir F. W.
Patten, J. W.	Trollope, Sir J.
Pechell, Capt.	Trotter, J.
Peel, rt. hn. Sir R.	Vernon, G. H.
Peel, J.	Waddington, H. S.
Philips, M.	Wakley, T.
Pigot, Sir R.	Wall, C. B.
Plumtre, J. P.	Wallace, R.
Plumridge, Capt.	Ward, H. G.
Polhill, F.	Wellesley, Lord C.
Pollington, Visct.	Williams, W.
Powell, Col.	Wood, C.
Praed, W. T.	Wood, Col.
Pringle, A.	Wood, Col. T.
Protheroe, E.	Wortley, hn. J. S.
Rawdon, Col.	Wortley, hon. J. S.
Reid, Sir J. R.	Wyndham, Col. C.
Repton, G. W. J.	Wynn, Sir W. W.
Rice, E. R.	Wyse, T.
Rolleston, Col.	Yorke, hon. E. T.
Ross, D. R.	
Round, J.	TELLERS.
Rushbrooke, Col.	Baring, H.
Russell, Lord J.	Young, J.

The Committee then divided on the Original Question:—Ayes 228; Noes 30:—Majority 198.

List of the NOES.

Barnard, E. G.	Evans, W.
Blackstone, W. S.	Granger, T. C.
Blewitt, R. J.	Hastie, A.
Buller, C.	Hawes, B.
Byng, rt. hon. G. S.	Holland, R.
Christie, W. D.	Horsman, E.
Colborne, hn. W. N. R.	Martin, J.
Cowper, hon. W. F.	Morris, D.
Dalrymple, Capt.	Muntz, G. F.
Dashwood, G. H.	Murphy, F. S.
Duncombe, T.	Napier, Sir C.

Russell, Lord E.	Wyse, T.
Somerville, Sir W. M.	
Strutt, E.	
Towneley, J.	TELLERS.
Wakley, T.	Curteis, H. B.
Wawn, J. T.	Pechell, Capt.

The House resumed. Committee to sit again.

WINDOW DUTIES.] Captain *Pechell* moved that there be laid before the House a Return of all cases of surcharge for Duties on Windows which have been decided by the Commissioners acting in the execution of the Acts relating to the Assessed Taxes, from the 1st day of January, 1839, to the 31st day of December, 1844.

The *Chancellor of the Exchequer* said it would be quite impossible to grant the Return, as the surcharges were made by the local assessors, and no record was kept by the Commissioners.

Mr. *Hume* thought there would be no difficulty in making the Return for the present year, although there were no records of past years.

Captain *Pechell* was dissatisfied with the answer of the *Chancellor of the Exchequer*, and would divide the House.

The House divided:—Ayes 5; Noes 31:—Majority 26.

List of the AYES.

Blewitt, R. J.	Wawn, J. T.
Brotherton, J.	TELLERS.
Holland, R.	Hume, J.
Martin, J.	Pechell, Capt.

List of the NOES.

Acland, Sir T. D.	Henley, J. W.
Bentinck, Lord G.	Hepburn, Sir T. B.
Cardwell, E.	Herbert, rt. hon. S.
Clerk, rt. hon. Sir G.	Jermyn, Earl
Collett, W. R.	Lincoln, Earl of
Cripps, W.	Mackenzie, W. F.
Darby, G.	McNeill, D.
Dickinson, F. H.	Masterman, J.
Drummond, H. H.	Neeld, J.
Entwisle, W.	Neeld, J.
Escott, B.	Sibthorp, Col.
Forster, M.	Sutton, hon. H. M.
Fremantle, rt. hn. Sir T.	Trelawny, J. S.
Gordon, hon. Capt.	Trotter, J.
Goulburn, rt. hon. H.	TELLERS.
Graham, rt. hn. Sir J.	Young, J.
Hawes, B.	Pringle, A.

House adjourned at a quarter to one o'clock.

HOUSE OF LORDS, *Thursday, February 20, 1845.*

MINUTES.] *BILLS. Public.*—1^o. Bail in Error.
PETITIONS PRESENTED. From Physicians, Surgeons, and General Practitioners of Exeter, in favour of Medical Reform.—By Lord Campbell, from G. R. W. Baxter, Esq., complaining of the Miscarriage, and Irregular Delivery of Newspapers through the Post Office.

RAILWAYS.] The Earl of *Dalhousie* having laid on the Table Returns as to the lines determined on by the Railway Department of the Board of Trade,

Lord *Beaumont* asked whether these were Reports as to the whole of the railways submitted to the adjudication of the Board.

The Earl of *Dalhousie*: Of those decided up to this time.

Lord *Monteagle* should like to know whether these Returns specified the time occupied in disposing of the cases before the Board; for, if the account that appeared in the public prints was true, it was utterly impossible (without attributing the slightest want of attention to the Board) that the merits of each case should have been duly considered. It must be obvious to any one who ever served on a Committee, that such a quantity of business could not be disposed of, even with the assistance of counsel.

The Earl of *Dalhousie* said, it would be impossible to construct a Return, showing the time employed by the Railway Board in the consideration of every scheme; and with regard to the aggregate time, it was quite unnecessary that such a Return should be made, as the matter was sufficiently notorious. It was proposed that 240 Bills should be brought before Parliament; and on those Bills he knew to his cost the Railway Department had been constantly engaged from the last day their Lordships met in that House for the Parliamentary business of the Session. Previously to the 13th of December they could not form any decision, because they found that the schemes multiplied by threes and fours; and as fast as they considered one scheme, two or three competing schemes were sent for their consideration. Whether it was obvious to that House or to the public that it was impossible the Railway Department could have given sufficient attention to the different schemes, it would not be becoming in him to say; but perhaps the House would allow him to suggest that the most reasonable course to be pursued was, for their Lordships to abstain from giving

an opinion until they saw the labours of that Department and their Reports. If they should turn out to be worthless, the exertions of the Board would have been futile; but if, on the contrary, the Reports should appear correct on the face of them, and, being subjected to the test and scrutiny of the Committee, should stand the test, then he thought the Board would not have rendered themselves liable to the imputation which the noble Lord had thrown out. Their Lordships would not proceed on any plausible ground suggested on that night, but wait until the labours of the Railway Board were before the House, and had been fairly considered.
House adjourned.

HOUSE OF COMMONS, *Thursday, February 20, 1845.*

MINUTES.] *BILLS. Public.*—1^o. Manchester Division Stipendiary Magistrate; Roman Catholic Relief; Sparrows Herne Road.

3^o and passed:—Constables (Scotland).

Private.—1^o. Hull and Selby (Bridlington Branch) Railway; Cockermouth and Workington Railway; Kendal and Windermere Railway; Lancaster and Carlisle Railway; Chester and Birkenhead Railway Extension; Birkenhead (Commissioners') Dock.

PETITIONS PRESENTED. By Mr. Bright, from W. Bidwell, complaining of Proceedings for Church Rates.—By several hon. Members (4), against Renewal of Property Tax Act.—By Viscount Duncan, from London, and Mr. O. Duncombe, from Edinburgh, for Repeal of Window Duty.—By Sir T. Hepburn, from Haddington, against Alteration of Law of Banking (Scotland).—By several hon. Members (5), for Alteration of Medical Practice Bill.—By Mr. Bright, from H. O'Connell, for Inquiry.—By Colonel Conolly, from Ballyshannon Union, respecting Poor Relief (Ireland) Act.—By Mr. Baird, from Linlithgow, for Alteration of Prisons (Scotland) Act.—By Mr. Brotherton, from National Temperance Society, and Ashbourn, for diminishing Public Houses.

COMMUNICATION WITH INDIA.] Sir *J. Hobhouse*, seeing the hon. Member the Secretary to the Board of Control in his place, would ask him whether in the additional communication with India by a steam-vessel on the 20th of each month, which he was very glad to see, it was intended to include Bombay; and, if not, whether it was intended to have a monthly Overland Mail to Bombay as well as to the Presidencies of Calcutta and Madras.

Mr. *E. Tennent*: There was now a monthly communication between this country and the Presidencies of Calcutta and Madras, in addition to the usual monthly Overland Mail. With respect to the question as to an additional communication with Bombay, the Government did not consider that port of sufficient importance to alter the present system respecting it. At all

events, no step had yet been taken with a view to that object.

EMPLOYMENT IN WORKHOUSES.] Captain *Pechell* begged to say, in reference to his Motion on the subject of the employment of the poor in Union Workhouses, that the Guardians of the Boston Union had refused to comply with the Order of that House. He, therefore, begged to ask what course the right hon. Baronet, the Home Secretary, intended to take in reference to those Guardians; and also what directions, if any, had been given to prevent the crushing of bones in workhouses?

Sir *James Graham* said, the hon. Gentleman had given him notice of the question he intended to put. He thought the hon. Gentleman must admit that, as far as the authority of the Poor Law Commissioners could be exerted over the local Boards, everything had been done to enforce the Order of the House. If the hon. Member thought the power of the House was to be exerted, it would be for him to consider what steps should be taken. As to the second question, he did not believe the practice, though objectionable, was illegal. The Poor Law Commissioners could only exercise the powers which the law gave them; if any increase of them were desired, there must be an alteration of the law.

Subject at an end.

BASTARDY.] Mr. *Barneby* begged to call the attention of his right hon. Friend the Home Secretary to a recent decision by a learned Judge on orders of affiliation made by magistrates, which decision declared those orders to be invalid. He had reason to believe that that decision took a correct view of the law; and therefore it was his intention on an early day to move for leave to bring in a Bill for the purpose of declaring and settling the law in bastardy cases.

Sir *James Graham* replied, that by the construction put upon the Act of last Session, in reference to orders of bastardy, its provisions had been rendered nugatory, and could not be enforced. It would be his duty to bring under the consideration of the House a Bill to rectify this defect.

THE BANDIERAS.] Sir *Charles Napier* wished to put a question to the right hon. Baronet at the head of Her Majesty's Government, relative to a reply he had made yesterday to the question put by the

hon. Member for Pontefract. If he understood the right hon. Baronet properly, the right hon. Baronet said that the two sons of Admiral Bandiera and twenty other individuals had taken refuge in the Ionian Islands; that they left them on a particular day; and that the Governor of the Islands, as well as the Government at home, had been taken entirely by surprise, on those gentlemen leaving the Ionian Islands. He wished now to ask the right hon. Baronet whether the arrival of the two sons of Admiral Bandiera, men of some distinction, and twenty other individuals, had been communicated to the Lord High Commissioner by the Government at home; and whether any instructions had been given by the Government in the event of their leaving the island. It appeared that the Consuls of Russia, Austria, and Rome had made application to the Governor when they heard of the departure of those individuals, to send a steam man-of-war to prevent their landing on the coast of Calabria. He remembered a similar case which had occurred some years back, when the Duke of Wellington was at the head of the Government. A certain number of Portuguese refugees took refuge in Plymouth, whence they sailed for Terceira. A man of war was sent off to the island to prevent them from landing, and with strict orders, if they persisted, to drive them away, which was done, with the loss of one man killed. He wished to know whether any instructions had been given by the Governor of those islands to prevent them from landing. If Lord Seaton had acted a humane part, instead of sending a communication to the Neapolitan Government, he should have sent the steamer to acquaint those twenty-two unfortunate individuals of their danger, and apprise them that it was the intention of the Government to inform the Neapolitan authorities that they were going to land. He wished to know whether the Governor had communicated their arrival, and had received instructions how to act; and whether he had orders to communicate with them before they sailed for Otranto?

Sir *R. Peel*: Sir, I thought I had fully communicated all I knew on this subject in the answer which I gave to the question put by my hon. Friend (Mr. M. Milnes); but, for the satisfaction of the hon. and gallant Officer, I have no objection to answer his question, and to repeat all I recollect on the subject. I must, however, decline any reference to the case of the

Marquess de Saldanha, and the Portuguese who accompanied him to this country, and thence to Terceira, for I have no perfect recollection of the circumstances. With respect to the case put by the hon. and gallant Officer, I say that no communication was made by Lord Seaton to the Neapolitan Government respecting the intended landing of the sons of Admiral Bandiera and their companions until after they had sailed. I do not recollect that Lord Seaton made any communication on the subject to the Government, or that any instructions were sent to him on the subject. Lord Seaton stated to the Neapolitan Representative that a son of Admiral Bandiera had arrived in the Ionian Islands in the month of February—that thence he went to Malta, and after some short time returned to the Ionian Islands—that he there conducted himself in a manner not calculated to excite any suspicion whatever—that on the 12th of June he, accompanied by his brother and twenty companions, left in two boats—and that Government had no suspicion of their intentions, as they all were unarmed. On the 13th of June three Consuls applied to Lord Seaton to send a certain armed steamer, called, I think, the *Medea*, for the purpose of preventing the parties from landing in Calabria. That Lord Seaton declined to do. [Lord J. Russell: What three Consuls made the application?] I believe the Austrian Consul, the Consul of the Papal States, and the Russian Consul. [Mr. T. Duncombe: Not the Russian—the Neapolitan Consul.] I am speaking to the best of my recollection. I believe the three Consuls were those of Russia, Austria, and the Papal States;* but if I am substituting one for another, I will inform the noble Lord to-morrow. I do not, however, think I am mistaken. The answer Lord Seaton made to the representation of the three Consuls was this,—“I think the statement made very much exaggerated”—they had stated that sixty individuals had left the island—“I think that statement made very much exaggerated; I don’t think it possible these parties are going to land on the coast of Calabria. I cannot send the *Medea* to prevent them from landing, but I will send a small boat to enable you to apprise the Neapolitan Government to take such measures as they think fit to guard against the attack.”

* The right hon. Baronet explained at a subsequent part of the evening, that he was mistaken in mentioning the Russian Consul. He should have said the Neapolitan.

Sir C. Napier: What I want to know is, whether Lord Seaton, in communicating to the British Government what he had done, stated that he had sent to inform those unfortunate individuals that he had apprized the Neapolitan Government of their having left the island.

Sir R. Peel: The parties had sailed before Lord Seaton was aware of the fact. They sailed about ten o’clock at night. I again say I am speaking only to the best of my recollection. They sailed at ten o’clock on the evening of the 12th of June. Lord Seaton had not the least conception they intended to leave the island: but on the 13th the Consuls made the representation I have referred to, and asked that the *Medea* might be sent immediately after them. The gallant Officer asks whether Lord Seaton made any communication to the two Bandieras. It was impossible that he could make any communication to the Bandieras before they left the island, because he had not the least suspicion of their intending to leave it. To the question whether Lord Seaton sent any boat after them to communicate with the Bandieras on their passage, I have to reply that he did not.

Lord J. Russell: I wish to ask another question connected with this subject. The right hon. Baronet has stated that Lord Seaton did not suspect when those twenty-two individuals left Corfu that they were going to Calabria. But it is stated in the newspapers that a letter had been received in this country from one of those unfortunate victims, written I think on the day before his death, in which it was stated, that a person who came on horseback to visit them in the island of Corfu, was the person who betrayed them to the Neapolitan Government. The question I wish to put is, whether by Lord Seaton, or the British Minister at the Court of Naples, any information has been conveyed to Her Majesty’s Government, to the effect that a person accompanying these parties to the coast of Calabria had entrapped them.

Sir R. Peel: I assure the noble Lord I have no recollection whatever on that point. Had I known the noble Lord’s intention to put such a question, I should have come prepared to answer it. Perhaps the noble Lord will renew his question to-morrow.

Mr. Milnes: Is there any objection to lay on the Table of the House any letter, or copy of any letter, that may have passed between this Government and the Austrian

authorities connected with this subject? The matter has created so much interest in the country, that it would be much more satisfactory to have the papers.

Sir R. Peel: What correspondence can be produced?

Mr. T. Duncombe: Letters or extracts of letters. You had the correspondence of these parties with Mr. Mazzini to guide you.

Sir R. Peel: I assure the House what I have stated is in exact conformity with the communications received. I am bound to say, having read the despatch of Lord Seaton, that if I am asked whether there will be any inconvenience in producing it, I don't think there would. But when I have produced one paper, hon. Gentlemen opposite may ask, why not produce some others? What I stated to the House was this—no communication was made to the British Government—no communication was made to Lord Seaton—no communication of any kind was received by Lord Seaton with respect to the conduct of the Bandieras and other refugees in Corfu, until after they had actually sailed. The first account we had of their having sailed was from Austria, from Sir Robert Gordon, in a letter dated the 26th of July, with a remonstrance against our having permitted the expedition to sail. Upon receiving it we called on Lord Seaton for a further report, and then we had two letters from Lord Seaton exactly in conformity with what I have stated.

Mr. G. W. Hope: Perhaps I may be allowed to state that we had no notice whatever. I can find no notice whatever in the correspondence with Lord Seaton respecting the arrival of the Bandieras in the Ionian Islands previously to the report that they had left, except this,—application was made to him that one of the brothers, being a deserter, should be delivered up, which application was refused.

Mr. T. Duncombe: Did you give the Austrian Government notice that the Bandieras were in Malta?

Mr. G. W. Hope: We did not know the fact.

Mr. T. Duncombe: It is stated in Mr. Mazzini's letter that was opened.

Subject at an end.

SMOKE.] *Mr. Mackinnon* moved for leave to bring in a Bill to "Prohibit the nuisance of Smoke from the furnaces of Factories." The Bill he proposed to introduce was almost identical in its provisions with

that he obtained leave to bring in last Session. He anticipated no opposition, and proposed to take the discussion on the second reading.

Mr. Bright said, that the Bill proposed by the hon. Member last Session, was totally unfitted for the object it proposed to accomplish. He had no desire to interfere with the hon. Gentleman, but he thought it would save a great deal of time if leave were not given to bring in the Bill. He would advise the hon. Gentleman to consult practical men before he took the subject in hand.

Mr. Ferrand said, that a short time ago he was speaking to a very large manufacturer, who was a member of the Anti-Corn-Law League, and who said that he burned his own smoke, that it was easy to be accomplished, and who had asked him to use his exertions in Parliament to compel every manufacturer to do the same.

Mr. Milnes having inspected the magnificent machinery of Mr. Marshall, at Leeds, for putting down this nuisance, gave his cordial support to the Motion.

The Earl of Lincoln apprehended that there were two questions now before the House—first, whether it was possible by any legislation to suppress this nuisance; and, in the second place, whether the scheme proposed last year by his hon. Friend was at all practicable? With reference to the first question, he was inclined to believe that it was possible considerably to abate, if not altogether to remove, the nuisance. He had been in communication with some scientific gentlemen on the subject, but he doubted whether the Bill of his hon. Friend would be effectual. If, on discussion, the House should be of that opinion, he should be prepared to introduce a measure of his own, being persuaded that the subject itself was not only important with reference to the public health, but also in an economical point of view.

Mr. Muntz said, that in some trades smoke might be got rid of, while in others that would be perfectly impossible. For instance, it would be ruinous in the iron trade, and therefore the House ought to be very careful, and should look close at the Bill they introduced, before they legislated upon this subject. It was useless to expect to get rid of smoke without an increase of the expense of fuel. He had tried many experiments, and had always found this to be the result.

Leave given.

PAINS AND PENALTIES ON THE CATHOLICS.] Mr. *Watson* moved for leave to bring in a Bill for the further repeal of enactments imposing pains and penalties upon Her Majesty's Roman Catholic subjects on account of their religion. He was not sure whether the Government intended to offer any opposition to this Bill; but he thought that at all events the discussion had better be taken on the second reading. The same Bill was brought into the House of Lords last Session by Lord Beaumont, but did not pass entire, inasmuch as the Lord Chancellor and other legal Lords considered it better to pass a Bill which could not be open to any objections, or excite debate, and such a Bill, being introduced into the House of Commons by the right hon. Baronet opposite, passed without discussion. The object of the Bill he now desired to bring in, was to carry into effect that which had received the sanction of a large portion of the House of Lords, including the Lord Chancellor. Some parts of the Bill might give rise to discussion; but that discussion could be taken on the second reading, or in Committee.

Sir *R. Inglis* expected to hear some statement of the objects of the Bill. If it was inconsistent with the convenience of the House that that statement should be made now, the debate had better be adjourned. He did not mean to express any opinion on the subject at present; but he was unwilling to sanction the introduction of a Bill with such a title without any further statement than that which the hon. Member had made.

Sir *J. Graham* said, that there had been issued a new Commission to inquire into the Criminal Law, consisting, besides Mr. Starkie and Mr. B. Ker, of three other distinguished lawyers, viz., Sir E. Ryan, Mr. Richards, and Mr. Amos; and to these five Commissioners the subject with which the hon. Member's Bill proposed to deal had been referred. After this information, it was for the hon. Member to say whether it was necessary to introduce his Bill.

Lord *J. Russell* thought that the course taken by the Government would be the most useful both to the House, for the purpose of legislation, and to the country; but at the same time he should be glad to see the provisions of his hon. Friend's Bill. He should be glad that there should be a report on the important question, whether the Statute Law and the unwritten law, as far as regarded our criminal code, could be consolidated into one statutory code,

Lord *J. Manners* hoped that, as the hon. Gentleman the proposer of this Bill did not intend to carry it through another stage before Easter, the hon. Member for the University of Oxford would not obstruct the introduction of the Bill.

Leave given. Bill brought in and read a first time.

CLERKS OF PETTY AND QUARTER SESSIONS.] Sir *J. Graham* moved for leave to bring in a Bill for Payment of Justices' Clerks and Clerks of the Peace, by Salaries instead of Fees, and for regulating Fees in Criminal Proceedings.

Mr. *Ferrand* wished to know whether it was the intention of the right hon. Baronet, by any enactment in this Bill, to withdraw from individual magistrates the power of appointing their own clerks? If this were so, many magistrates would retire from the Commission altogether.

Mr. *Escott* apprehended that was not the proper time to discuss the clauses of this Bill. He must, however, sincerely thank the right hon. Baronet for introducing so important a measure. The object which he should keep in view in the further progress of the measure would be to take care that no provision was introduced into the Bill to enable any person who derived profit from former extortionate practices to be remunerated in proportion to his past extortion.

Sir *J. Graham* begged to state, in reply to the hon. Member for Knaresborough, that he did not seek by his Bill to deprive magistrates of the power of appointing their own clerks, but he objected to allowing them to receive any fees except in Petty Sessions or in open court.

Leave given.

OPENING LETTERS AT THE POST OFFICE —ADJOURNED DEBATE.] Order of the Day read for resuming the debate on the Post Office.

Mr. *Milnes* rose to address the House. He did not know that he should have presumed to intrude on the House in this debate, but from the accidental circumstance of his having witnessed, when lately abroad, the unhappy effect produced on the public mind in foreign countries by the unfortunate revelation which was now engaging the attention of Parliament. During a short residence on the Continent, he had been a witness of the painful suspicions which this matter had occasioned. To himself, indeed, the observation of these

suspensions was somewhat the less painful, inasmuch as he was aware that in a great degree they were unfounded; but, nevertheless, they were not the less obnoxious because he knew that they were to a great extent absurd. It had long been the honour and privilege of this country to afford a refuge to persons compelled to leave their native soil when goaded by the oppression of their rulers; and he believed that there was no period in British history more highly satisfactory to contemplate than the time when Queen Elizabeth gave to the oppressed subjects of the United Provinces a refuge from the tyranny of Philip II.; and from that time down to the present—including the magnificent hospitality shown to the French refugees during the Revolution—this country had freely opened her ports to foreigners, regardless of their political opinions—whether Carlists, Italians, or Poles. When he saw the painful contrast which was presented between the present Government of this country and the Government of France—when he reflected that the French Minister was able to get up in his place in the Chamber of Deputies and assert that, as far as he knew, the communications by post in France were absolutely secure; and when he, unhappily, knew that the British Minister was unable to rise and make the like assertion, although he could not permit himself to make inquiry into the justice of the one case or the other, still these things led his mind to the conviction that England had, by this unfortunate circumstance, earned for herself, through the wide space of the Continent, a very injurious reputation. Neither was it any consolation to him, when, travelling through Germany, he saw books in the shops containing statements reflecting on the British name, and heard songs sung in dishonour of England, to know that the right hon. Baronet the Secretary for the Home Department was the hero of the tale. For though he knew there never had been in this country an Administration which had more cautiously shrunk from any notion of infringing upon the liberty of the subject, yet, nevertheless, he could not but feel that the conduct of Her Majesty's present Government upon this matter had not been such as effectually to secure them from all these unfounded suspicions. It was said of old time, that it was not sufficient for the wife of Cæsar to be pure, but she must be above suspicion. But he could not conceal from himself that if that

distinguished personage had acted in such a manner as rather to encourage than to debar suspicion; if she had seized every possible opportunity of placing herself in a very suspicious situation; if she had invested her simplest proceedings with the cloak of the gravest mystery; if she had shown herself unwilling to answer the simplest question in a plain manner—he feared that that right hon. lady could not have been expected to remain totally above suspicion. To speak seriously, he believed that an immense amount of suspicion and misrepresentation, which at present overshadowed this question, and which certainly was in a great degree injurious to Her Majesty's Government, was owing to its not being met, when it was first brought forward, with perfect simplicity and candour. He believed that if, when the hon. Member for Finsbury brought forward the Motion, it had been met with no difficulty or mystery, and that if the right hon. Gentleman the Secretary of State for the Home Department had, instead of investing the matter with all sorts of doubts and difficulties, simply asserted, what every person who thought at all upon the subject was already fully aware of, that the inspection of these letters of Mr. Mazzini could have had no connexion whatever with his Department, the whole affair might have been easily cleared up and disposed of. The signing of the warrant by the right hon. Gentleman must have been purely a perfunctory act. He did not understand why the right hon. Gentleman should have been called upon to sign it at all, seeing that the Act of Parliament only required that the warrants should be signed by a Secretary of State. In this case, surely it would have been better for the Earl of Aberdeen to have taken the responsibility upon himself. Had the right hon. Gentleman merely said that this was a matter with which he had no concern whatever, the Earl of Aberdeen would have been able at once to have given the answer which had now at length been given, and which he believed would at that time have appeased in a great degree the public indignation, and have rendered the task of explanation on the part of the Government a great deal more simple and easy than it was now. Suspicion had been allowed to grow up, and misrepresentation had been allowed to circulate without any thing being said on the other side to set the world right; and the consequence was, that at this moment

there prevailed throughout the country a most painful feeling with regard to this question. The immediate subject before the House divided itself into two parts:—First, as it affected Foreign Affairs; and, secondly, as it affected the hon. Member for Finsbury personally. With regard to the first branch of the question, he felt it his duty last night to put a question to the right hon. Gentleman the First Lord of the Treasury respecting the affair at Calabria; and, to a certain degree, he thought the answer which was given by the right hon. Baronet satisfactory, so far as it was connected with Mr. Mazzini, and more immediately with the expedition of the brothers Bandiera from Corfu to Calabria. That answer was to the effect that any information which had been given with respect to that expedition, either to the Austrian, Roman, or Neapolitan Consul, or to any other Government, was merely in consequence of the general information which had been imparted to the Earl of Aberdeen, namely, that a conspiracy of the nature described was in progress in the British possessions in the Mediterranean. At the same time, he considered this to be a very grave and earnest question. It was connected with a general view of our Foreign policy. It appeared that the Austrian Government had nothing to do but to threaten the invasion of Italy; that is to say, that it would enter into any country whose independence was fully established, and the consequence would be an immediate disposition in the British Minister for Foreign Affairs to favour and encourage such pretensions. Thus it had gone forth to the world that the English Government had guaranteed to the Sovereigns of Italy the possession of their thrones, however much they abused their power, or however unworthy they were of it; and he must say, that such a supposition must be painful to every Englishman, and ought not to be entertained by any liberal Member on either side of the House. He must also beg to say, that if the Earl of Aberdeen, at the time that he complied with the wishes of the Austrian Government, had sent a public notice to Malta and Corfu, either by placarding it in the streets or by a publication in the newspapers, that the English Government was aware of this conspiracy, and that they were determined in every way to prevent and impede it, it was probable that that unhappy expedition to Calabria would never have taken place. He would now

address himself to the second branch of this question; namely, the charge made by the hon. Member for Finsbury, that his own private letters had been opened by the right hon. Gentleman the Secretary for the Home Department. They had experienced within the last few years how very important a matter was the privilege of Parliament; and if he understood it aright, he thought it would not be well for the present Government, who had on former occasions so vigorously vindicated those privileges, to draw so strict a line of distinction as to refuse to the hon. Member for Finsbury the advantage of that privilege, which that hon. Gentleman now chose to claim. He (Mr. Milnes) thought that the hon. Member had a perfect right to have an official answer, as to whether or not a warrant had been issued for the opening of his letters. That hon. Gentleman had, since the time that he (Mr. Milnes) had become a Member of that House, been, as far as his abilities went, deservedly growing in the estimation both of the House and of the country, and had been acquiring a large influence over a great mass of the people of this city; therefore, he might now be well considered as holding a most open and responsible station in the country. But the hon. Gentleman knew very well that his name had been mixed up with those of many persons who had been suspected, and even with some who had come under the sentence of the law. [Mr. T. Duncombe: No! Name!] There was one Gentleman for whom he (Mr. Milnes) entertained, individually, very great respect—Mr. Lovett. [Mr. T. Duncombe: Go on.] He considered one name was as good as a hundred. And the hon. Gentleman knew very well that by the line of politics he adopted, and the distinction which he had acquired by the advocacy of certain opinions, he had, and that very naturally, made himself subject, he (Mr. Milnes) would not say to suspicion, but at least to the peculiar attention of those who had to preside over the government of this country. Therefore he did not think it at all improbable that, two or three years ago, it was thought right by Her Majesty's Government to open the letters of the hon. Gentleman; and he was not prepared to say, as he had great confidence in their discretion, and in their love for the liberties of the people, that a warrant for such a proceeding was issued unwisely. But, at the same time, he would maintain that the hon. Gentleman was in a

position to insist upon receiving an answer to his question, whether such a warrant had been issued; and, if so, he could not see any objection whatever to the production of that warrant. Because, if a warrant were not issued, then the onus would fall upon the hon. Gentleman of impeaching the right hon. Gentleman the Secretary for the Home Department of a very gross and grave breach of privilege; namely, that of having opened his letters without any warrant at all. The hon. Gentleman asked for a new Committee to inquire into this matter. When the question was first brought forward last year, he (Mr. Milnes) stated that candour and openness were the means by which the people of this country would be most satisfied to see this question treated. It would be in the recollection of the House how very large a portion of it was surprised at finding that such a power was vested in the Government at all. The hon. Member for Hull (Sir J. Hanmer)—and there was no man of his age who was better read in the constitutional history of his country—had told the House last night, with that candour which ever marked his conduct—that he was himself unaware of the existence of this power. He knew others who were in the same state of ignorance; he knew gentlemen who held high office in this country who were not aware of the fact. But he would appeal to the House whether this general ignorance did not prove the innocence of the exercise of the power? He wished also to ask the hon. Member for Finsbury why he waited for the case of Mr. Mazzini before he brought his own under the consideration of the House? It was the hon. Member's duty to have come forward earlier, and by that delay he had in a great degree weakened his present claim. He could not bring the subject under their notice with the same power and vigour as if he had made the charge at the moment when he had discovered the fact, and when he would have claimed and obtained the sympathy of every Member of Parliament. The reason why he should not vote for the Motion of the hon. Member for Finsbury was, however, that he did not think a public Committee a proper tribunal for the general investigation. The excitement attending it must give a colour to the statements and to the facts; and if the hon. Member persisted in his wish to ascertain whether any warrant existed in his own case, he could discover it by other and better means, though if he chose to confine the question within those limits, he thought it would assume a very

different aspect. The grave question remained—and a grave question it was—whether such a power ought to be continued. The right hon. Gentlemen opposite, who might soon return to office, were just as much concerned in the question as the right hon. Gentlemen who now held the reins of Government. His own feeling at present was in favour of a limitation of the power, and he did not think that a total abolition of it for criminal purposes would be expedient. It was, indeed, a piece of profitless chivalry on the part of one right hon. Gentleman to take this matter upon himself, since he might have referred the matter to that Department, which, in fact, ought to have borne the responsibility. In this respect he had paid no great compliment to his Colleagues, in taking a burden upon himself, as if he feared that they would be unable to bear it. The affair had been made the groundwork of charges from the dullest provincial newspaper up to the liveliest sallies of *Punch*. These charges were most unfair, and there was, perhaps, no man who did not feel an honest indignation at the injustice that his right hon. Friend had sustained. He should regret if any vote he might give, could afford the slightest countenance to such suspicions and aspersions; and thus he could not support the Motion as it stood at present.

Mr. Macaulay: I wish to explain, as clearly as possible, the precise grounds on which I shall feel it my duty to give my vote on this question. I cannot vote for the Motion of the hon. Member for Finsbury as it stands, and my reasons are two. First, I think that the Motion, framed as it is, contains in itself an implied censure on the Secret Committee; and, secondly, even if the words of the Motion did not imply a censure, the speech of the hon. Member who introduced it imparted to it the character of a censure. The Notice is, "to call the attention of the House to the evasive and unsatisfactory character of the Report of the Secret Committee." Everybody knows that where the terms of a Motion are doubtful, they may be explained by what is said in support of it; and what would otherwise be a matter perfectly unimportant, may assume great importance if introduced by a speech containing matter of crimination. Such may be the case with a common Motion, but much more so when it is a Motion which implies in itself a species of censure. On that ground—if that ground were all—I could not support the proposition of my hon. Friend the Member for Finsbury. The Secret Com-

mittee, I fully believe, did its duty honestly; and from a knowledge of most of the Members of it, I am sure that their conduct has not deserved censure. Be it observed that we ought to be peculiarly cautious in passing censure upon a Secret Committee; because the Gentlemen comprising it are tied down in honour, as well as in public duty, and cannot state or explain what may appear to some a deficiency in their Report. This is quite decisive in my mind. Another part of the proposal is, that a Committee should be appointed to inquire into the expediency of the present practice. I see no reason for that. I conceive that the subject is now ripe for legislation. I want no farther information, and on that account there is no ground for referring the matter to a Committee. Nevertheless, I must say, that I do, to a great extent, agree with the hon. Member for Finsbury, though I cannot support his Motion. It appears to me that we ought, in the first place, to pass a law upon the subject. I think that we are already in possession of the necessary materials, and I have myself very little doubt, though discussion may modify my opinion, as to the principle by which such a law should be governed. I cannot conceive how we can make out that there ought to be any difference in principle in the way in which we should treat a letter in transit, and a letter after it has been delivered. A letter directed to me, and put into the mail-bag, is my property in the same sense, to the same extent, and with the same limitation, as a letter which has been delivered to me. I can see no reason whatever for any distinction in principle; they are both alike my property; and the exposure of my secrets is the same, and attended with the same consequences, whether from the reading of a letter which is yet to be delivered, or from the reading of a letter which has been delivered. As to the public also, the effect is exactly the same, whether the information be derived from a letter which was delivered to me this morning, or from a letter which is to be delivered to me to-morrow morning. The right of any gentleman to his letter is subject to the claims of society, but in the same way, whether it be or be not delivered. True, there may be a great convenience in cases which you may suppose, in opening a letter before it reaches the party to whom it is addressed, in extracting the contents, sealing it again, and then sending it to him. I can very

well understand that there may be instances where that course would be useful; but in the same way I can understand how it might be useful in certain circumstances, instead of obtaining a search warrant, and opening my drawers, to induce a servant to secret my papers, to convey them to the Home Office, and after having examined them and perhaps made extracts from them, to place them smooth again, and to restore them quietly to the situation from which they had been purloined. This course may at times be very convenient; and it may be very convenient also to open a letter in transit in a surreptitious manner, and to send it re-sealed to the owner. What I consider a sound principle in relation to this subject is this:—I would leave a power with the Secretary of State to send a warrant to call for any letter. I would give him the power of opening any letter; but I would require that after a certain time, a reasonable time to be fixed, that letter, which continues all along to be the property of the person to whom it is addressed, should, unless it be to be used in some judicial proceeding, be forwarded to the party, with a stamp showing that it had been opened. I may hear objections to that sound and plain principle; but I own that I cannot anticipate them. I know that it may be subject to some inconvenience; here and there a rogue may escape; now and then a plot may be successful which would otherwise be defeated; but in this country, and at this time of day, we are not to argue it as a question whether we ought to enjoy all the advantages derived from exemption from those expedients to which despotic Governments resort. Espionage is very advantageous beyond a doubt; to have “a servant feed in” every house might be extremely convenient; and it was said that in France, at the Revolution this convenience was to a great extent enjoyed; but does it follow that we are to resort to the same system? I recollect last year I said that torture had its advantages, and I was met by an indignant “no, no,” from many hon. Members; but nevertheless what I advanced was quite true. I venture to affirm that many atrocious crimes have notoriously been brought to light by torture; but I do not affirm that we ought therefore to re-introduce it into our criminal jurisprudence. So I say in the case before us, the experience of many years shows us that the benefits arising from the strict observation of the security and secrecy of private life, without the

exercise of arbitrary power, much more than counterbalance all the advantages to be derived from a contrary system. That at least is my deliberate opinion. I think that a Bill should be brought in on such a principle, and, if brought in, it shall have my support. We then come to another part of the subject—to the complaint of the hon. Member for Finsbury. I must say that, as it seems to me, he is entitled to what he asks. A Member of Parliament offers to prove that his letters have been opened. The right hon. Gentlemen opposite do not deny it; and I cannot conceive, after what they have said of their case, why they should pause in giving their consent to an inquiry. I cannot conceive that any great danger to the State can really arise out of their acquiescence. If they could say, "There is no truth in the charge, and we defy any human being to prove it," what danger could possibly result? None in the world: it is impossible. If they tell us that there never has been any such warrant, what danger could arise from the answer? And I must here say, that another circumstance, to which at the time I did not attach much importance, has since produced upon my mind a strong impression. Whether what is charged has or has not been the case, it produces a suspicion that Government has not dealt quite fairly by the House in respect to the appointment of the Secret Committee of last year. The circumstance requires explanation. When Ministers agreed to grant a Committee, it seemed most natural and usual that the hon. Member who brought forward the subject should be put upon it. As far as my recollection goes, I scarcely know of the appointment of a Committee by the House to investigate a grievance, from which the Gentleman who introduced the question to its notice was excluded. However, the usual, the invariable course was not the course in this instance; for the Members of the Government got up and told us that they meant to constitute the Committee on a new and peculiar principle; that fairness and justice required that the hon. Member for Finsbury should be excluded. Every Member of the existing Government, and every Member of the late Government, was also to be excluded. It could not be a fair investigation, said they, if a Member be present who is the accuser, and, therefore, we will constitute a Secret Committee, from which every party interested shall be shut out. The

House was carried away by this grand show of justice and candour. I myself, among others, was misled by it; and I afterwards regretted that I had voted with the right hon. Gentlemen opposite on the principles they professed, which was to form a Committee on a plan so peculiarly fair. A few days afterwards Ministers had to form a Committee on the very same subject in the House of Lords, and then they utterly forgot their own boasted principle. They took upon it Members of the late as well as well as of the existing Government—Chancellors and ex-Chancellors, in short several most active persons in the former and in the present administration. It was the same Government which formed both Committees; the same reason was assigned for the Committees in both places; and the same principle, if good for anything, ought to have been applied to both. If justice could not be done by a Committee here, in which the accuser and Members of the Government had seats, how could justice be done elsewhere in a Committee where the accuser could not sit, but to which Members of the present and late Administrations were admitted? They were very anxious to exclude all interested parties in this House, but as soon as they came into the other House that principle was utterly forgotten. Unless I hear some explanation of the difference, and they tell me why a Committee of the House of Lords, on precisely the same question, was to be constituted on the very opposite principle, I must believe that it was so constituted here only for the purpose of keeping out the hon. Member for Finsbury. As far as I can see, I think there is great reason to believe that the letters of the hon. Member were opened. I do not mean to say that they may not have been properly opened: it is perfectly possible that he may be, as no doubt he is, innocent of anything like criminal correspondence; but such information may have been given to the Home Office by calumniators as might excite a reasonable suspicion in the breast of the right hon. Secretary. But I think a Member of Parliament who offers to prove the fact is entitled to be heard: it is a question of privilege in a very peculiar sense: it is a privilege not for his own benefit, and it ought not to be for his own benefit. It is a privilege for the benefit of his constituents, and for the sake of free intercourse and correspondence between the representative and the represented. Every Member of Par-

liament is to be looked upon as one of the grand inquest of the nation. Many persons writhing under the pressure of what they consider a grievance are apt to use angry language: they are perhaps hot-headed men, and employ terms, which others would much regret and disapprove; but for a Member of Parliament to show a disposition to receive complaints of grievances seems to me a virtue and a merit. If they come readily to him from different parts of the country, it is one of the signs that he does his duty in this House. Is such a correspondence to be subjected to inspection and criticism, and that too by political opponents? Supposing them to be men of honour, their minds must be in some degree heated by the nightly conflicts in which they are engaged in this place. They might fancy, in such a state of mind, that the hon. Member was engaged in schemes which never entered his head, and this species of correspondence ought to be peculiarly sacred. Are his letters of this kind to be placed in the hands of his opponents, of his enemies in a public, though not in a private sense? I conceive that when a Member of the House of Commons offers to prove that his letters have been opened—when he offers to submit his conduct to the inspection of the public, on every ground of reason and justice we ought to comply. We ought to allow him to prove his case, if he can, for our own sakes. If he has in any way compromised the safety of the State—if there be any suspicion of it—if that suspicion be confirmed, then, sorry as I should be to see it, still I must say that he ought no longer to continue a Member of Parliament. If, on the other hand, his letters have been opened, and nothing found in them, then he is entitled to reparation; and the least reparation he can expect is a fair inquiry, and an open declaration of his innocence. What I suggest is, that instead of calling upon a Committee, as in the concluding part of the Motion, to investigate the present practice in this respect, we should proceed at once to legislate. It seems to me that we are in a condition to do so; but I cannot vote for the Motion as it stands, though I would support a proposition to inquire into a complaint of a Member of Parliament who declares that his letters have been improperly opened.

Mr. James S. Wortley was anxious to state the grounds on which he should give his vote; and in doing so he should avoid

both the general question as to the exercise of the right of opening letters, and also any allusion to the hon. Member for Finsbury which could in any way be offensive to him. He apprehended that this was no question of the right, the wisdom, or the policy of exercising this power; still less was it a question as to the particular mode of exercising this power, either as to the opening of a letter, or giving notice to the owner of the letter after a reasonable time (as was suggested by an hon. Member), or delivering it without any such notice—this was not the time for discussing either of those topics. He considered the power useless unless exercised to the extent to which it was now exercised; and, at the same time, he fully sympathised with the party who had to exercise a power which must be painful to every man of honour, and to none more painful than to the right hon. Gentleman (Sir J. Graham). But the question was, whether, by the hon. Member for Finsbury, or any other hon. Member, just grounds had been laid for the granting this Committee. He could not help agreeing with the right hon. Gentleman, that the proposition of the hon. Member for Finsbury was an implied censure on the Secretary of State; for in the original terms in which the notice was given, the offensive word “evasive” was found—a word which the hon. Member had wisely and discreetly withdrawn—but of which the House ought not to lose sight. For, taking that word, with the tone of his speech—the acrimony—he had almost said the personal animosity of the speech,—could it be doubted that the object of the Motion was to fix a stigma on the Secretary of State, and to lower him in the opinion of that country for the benefit and advantage of which his services had been so long and ably rendered? When the hon. Baronet, the Member for Hull, said no reflection on the right hon. Gentleman was intended, it was to him quite refreshing to see an hon. Member of the House so candid—he might say so simple—as not to see through the design of the Motion. The hon. Member for Cork would not join in the acrimonious censure of the Motion; and the hon. Member for Montrose, whose conduct had been always characterised by justice and impartiality, also deprecated the tone in which the Motion was brought forward. Looking at the quarter from which the Motion came, and the perseverance with which this acrimonious tone was impressed on every step of the proceedings, he

could not but feel that the object of the Motion was to fix a most unjust stigma on the right hon. Gentleman. He (Mr. Wortley) would put it to every hon. Member in the House to place himself in the position of the right hon. Gentleman—to consider the country in a state of tumult, and the responsibility of preserving the peace of the country resting on his shoulders—that his predecessors had exercised this power, and that he was called upon to exercise it—would any hon. Member in the House lay his hand upon his heart and say that, if placed in similar circumstances, he would not have exercised this power? Had the right hon. Gentleman exercised it more than any other Secretary of State? The Report not only says he did not, but that he was distinguished from all his predecessors in not allowing the warrants to remain in the office longer than was necessary. Former Secretaries of State allowed the warrants to remain in the office when they were apparently inoperative, but, perhaps, busily used. The right hon. Gentleman, with that character for business for which he was so much distinguished, saw the necessity, and acted upon it, of not allowing the warrants so to remain. With respect to the power of opening letters, the hon. Member for Finsbury asked, “Whence is this power?” Why, no man could consider this question for a moment without seeing that the origin of this power was not only legal but constitutional. The Crown carried the letters, and the Crown originally and exclusively carried the letters. The Crown offered this facility to the subject, and the condition was that this facility should not be abused. There must be some power to protect the public itself against the misuse and abuse of that privilege. Many wretches had been found taking advantage of the facilities afforded by the Post Office for sending explosive matter in letters—such letters should be opened. [*Much laughter.*] It might create laughter, but such cases had occurred, and much injury had arisen. Some precaution should be used to prevent such letters from reaching hand. With respect both to the home and foreign correspondence, it was the duty of the Secretary of State to see that the Post Office facilities were not abused. He (Mr. Wortley) felt as strongly as any man could do the odious character of the power; but he could not help feeling also that its odious character had been to some degree exaggerated. It was said, that by opening the letters of Foreign Am-

bassadors, we had been degraded in the eyes of Europe; but it was notorious that this power was exercised throughout every nation in Europe. The consequence of this was, that Ambassadors did not send their official letters through the Post Office, but by special messengers. Their private letters were not likely to be disturbed, and therefore they were sent through the Post Office. He (Mr. Wortley) remembered an anecdote told by an hon. Member of the House of Commons, and one who was distinguished in the literary world in his day. Frederick the Great exercised not only the power of opening the letters of Foreign Ambassadors accredited to his Court, but even the letters of his own Ambassadors. On one occasion, the correspondence between an Ambassador and his wife was opened, and the wife's letter having been put into the wrong enclosure, both letters were returned to their respective writers, and the practice of violating the correspondence was detected. The question now was, whether or not the House should appoint another Committee on this question? For what purpose or on what grounds should they do so? Would they get more honourable men? Take the whole House—read out the names of the Members—and would any man say that a Gentleman could be found whose honour, integrity, and intelligence were greater than any of those who served on the former Committee? Would they get such honourable men as were on that Committee, if the House would treat those Gentlemen in the manner proposed? The Secret Committee had been complained of; but if a Public Committee had been appointed, would it have obtained half the information that had been given to the Secret Committee? He (Mr. Wortley) did not mean the information which the public got, but which the Committee got. The hon. Member for Montrose had suggested the propriety of publishing the evidence taken before the Committee; but would not that be a direct breach of personal faith to every witness examined? When persons gave evidence on the pledge and strict understanding that what they said would not be divulged, he thought it would be an absolute breach of faith to publish such evidence without their permission. Would Officers of State, noble Lords, and right hon. Gentlemen, on both sides of the House, give evidence before a Public Committee? If they would not, then the Committee would have to come to a conclusion on insufficient inform-

ation, and their labours would be worth nothing. But what pretence was there for the appointment of such a Committee? Why the hon. Gentleman said, "I was not put on the Committee." He remembered that when Mr. Hardy brought an accusation against an hon. Member, Mr. Hardy was excluded from the Committee appointed to make the inquiry. The hon. Member for Cork said, "Why not treat the hon. Member for Finsbury as you did the hon. Member for Bath, by putting him on the Committee?" Because the hon. Member for Bath had no interest in the result of the inquiry. Had the hon. Member for Finsbury none? Did he not bring an accusation against the Secretary of State? Did he not in July last say, "I am not only an accuser, but a double accuser?" On that occasion, he represented himself boldly and honourably, as he was always accustomed to do, to the House in the character of an accuser. What was the next ground on which he sought for a Committee? Why, that the Committee refused to report as to whether his letters had been opened. Had they? Did he ever ask them? "Yes," said the hon. Gentleman. The hon. Gentleman had had an opportunity of having his witnesses examined under the most favourable circumstances, and refused to let them be examined; but if he had an accusation that he could support, it was impossible that he would have taken the course he did. The hon. Gentleman went before the Committee—repeated all the charges he had made to the House, and said he had witnesses to call in support of his statements. "We shall be glad to hear them," said the Committee; "but first, will you be good enough to give us your account?" "No," said the hon. Member, "I shall give you no information unless you make me a Member of the Committee." That was impossible. The Committee had no power to elect him, and the House of Commons would not so stultify itself as to add him to the Committee. The next question the Committee asked him was, "Have you any witnesses that you wish to have examined?" "Yes," said the hon. Member. "Bring them forward," said the Committee. "No," said the hon. Member, "unless I am allowed to be present during their examination." "For what purpose?" "To protect my witnesses." There might be some reason in this demand, if the witnesses were to be examined in a Court of Quarter Sessions, or in the Old Bailey, perhaps, by not a

senseless or stupid counsel, and in the midst of roars of laughter from the gallery; but it was not reasonable to make such a demand when the witnesses were to be examined in a private room, before five or seven hon. Gentlemen—men of the nicest sense of honour and delicacy. Protect his witnesses! Why protect them? From what were they to be protected? "They might be exposed to the anger of particular parties." But was not an examination before a public Committee calculated to expose them more? If they were allowed to speak before the Committee that had been appointed, the public would know nothing about their testimony. They would be examined under a seal of the most perfect secrecy, and in the presence of most honourable men. One witness would not know that another had been ever before that tribunal. The witnesses might have been called on separate days, and no one could have known who was examined. What pretence, then, was there for the hon. Member saying that he had been refused an opportunity of proving his case? Had he no confidence in the Lords' Committee? Did he shrink from appearing before Lord Cottenham, and bringing forward his witnesses where they might be examined in secrecy? All he (Mr. Wortley) could say was, that if the hon. Member had a good case, he displayed more of the skill of an advocate than of a bold accuser. When a party had a weak case, and could not trust his witnesses, he might find it convenient to make an appeal to the passions of those out of doors or in the jury box, like the hon. Member, to cover the weakness of his case, by making some excuse for not calling his witnesses. The hon. Member's privilege as a Member of Parliament was a most important question; but he (Mr. Wortley) could not agree with the opinion stated on that point by the preceding speaker. He thought that if this power of opening letters were to exist at all, it should be exercised with the greatest caution and forbearance; but if the power were to be exercised at all, the humblest of the constituents in Finsbury—the meekest and humblest of the inhabitants of Saffron-hill—were entitled to the same protection as a Member of Parliament. And when the Member for Finsbury, or his hon. Colleague, set themselves up as entitled to superior claims on the consideration of the House, he (Mr. Wortley) thought they were arrogating to themselves a right to which they were not entitled. But why

should a Member of Parliament demand such a privilege? Did they not in 1735 resolve that to open the letters of a Member of Parliament was not a breach of privilege? In 1735, it was resolved, in terms, that to open the letter of a Member of Parliament was a high breach of privilege, except under the warrant of the Secretary of State? Now would the hon. Member say that the opening of his letters was not authorised by a warrant from the Secretary of State? His answer was that the Report of the Committee set out the number of the warrants, and the names of the parties affected by those warrants. ["Name, name."] The hon. Member's name was not there. Well, his accusation then was, that the letters were opened without a warrant. If the hon. Member's accusation were founded in truth, he was shrinking from his duty; for instead of asking for a Committee of Inquiry, he ought to impeach the Government. [Sir T. Wilde: We must make the inquiry first.] The hon. Gentleman said he knew the fact; that he had got the witnesses who could prove it, and not only so, but that he believed it to have been done without any authority at all. [Mr. Duncombe: I did not say that.] He understood the hon. Gentleman to have said so. He might, however, be mistaken. But if that was so, could there be a greater charge? The charge was not for having opened the hon. Gentleman's letters in the regular way, but for having done so wantonly, without excuse or reason. If that were true, the hon. Gentleman should have brought the matter forward in the manner which he had suggested, and then he would not have been able to make a vague charge; but if he came forward accusing the Home Secretary of such a misdemeanor, he ought to have stated fully and explicitly the nature of his charge. This was the position of the hon. Member. For what purpose, then, should they grant him a Committee? Would he take the witnesses he was so anxious to protect before a public Committee?—could he shield them there from exposure and injury by their superiors? The very proposition was ludicrous—it was clear they would suffer infinitely more. As to the hon. Member himself, it was his own fault if the Committee did not make mention of him, for he might have given them the information if it existed; but he had done no such thing. They were, therefore, left to conjecture the nature of the complaint; for the hon. Gentleman had not stated from whom the letters came, nor

whether they were upon private or public subjects. But there were some means of ascertaining the character of the letters; for on a former occasion, when the conduct of the magistrates in Lancashire and Staffordshire was discussed, the hon. Member brought before the House letters which the Attorney General pointed out as having been written by persons who had been convicted of political offences. He would not state the names of the writers, for some of those poor fellows were still suffering the consequences of their conduct. He did not mean to cast the slightest reflection upon the hon. Gentleman in what he was about to say; but this Secret Committee had reported, that during the disturbances in the North, officers were sent down to that district, and certain letters were examined. Was it not possible that some of those letters were addressed to the hon. Member? Would it not have been a perfectly just and necessary exercise of their duty if the officers had opened such letters? Were the hon. Gentleman's letters to be sacred because he was a Member of Parliament? Was the Secretary of State, charged as he was with the peace of the country, at that most dangerous moment to hold his hand? Supposing a letter had been addressed to the hon. Gentleman by the supposed ringleader in those disturbances, was it to be said that because he was a Member of Parliament, the power should not be exercised? This would put their privilege in a most ludicrous aspect. As a Member from the North of England, he was sure he was speaking the sentiments of all the community when he said that they felt themselves under an eternal debt of obligation to the right hon. Gentleman the Secretary of the Home Department for his conduct during the outbreak, he had almost said insurrection, in the North. He did not wish to draw invidious comparisons; but they had seen in 1831 and 1832 riots allowed to increase until cities were in flames, and in 1837 tumults swelling into treason; and the year 1839 was impressed upon his memory by a conspiracy of a most dangerous nature in his native county, when they had on the table of a court of justice in York, hand grenades and infernal machines. He would tell the hon. Gentleman that some of those Chartists with whom he had corresponded had been since detected with infernal machines in their possession; and at the time to which he had referred they had in the witness-box a spy, who had been employed by the Government, and who

told him, in answer to one of his questions, that he had received 80*l.* in one week. In 1842, however, they had no spy in all their prosecutions; and without bloodshed, without treason, without the sentence of death, which had occurred in the other cases, the tumult was suppressed, with comparatively but little necessity for the interference of the military. He had now shown that, on personal grounds, the hon. Member was not entitled to an inquiry. If they were to grant it, they would be censuring the Committee which had already been appointed, and encouraging the accusation which the hon. Member had made. Let him state fairly the facts—let him show the proofs, if he had any, to substantiate his charges—and then it would be time enough to consider whether there was any ground for further inquiry.

Mr. Ward said, that if his hon. Friend the Member for Finsbury was entitled to an inquiry before the speech which had just been addressed to the House, he must confess that he thought him ten times more entitled to it now. The hon. and learned Gentleman bespoke the sympathy of the House in favour of the right hon. Gentleman the Secretary of the Home Department. He said that attempts had been made, both on that (the Opposition) side of the House, and by the press, to run down the right hon. Gentleman as a public man, to throw a stigma upon him; but was the right hon. Gentleman's character the only one which had been assailed? Were they not all public men; and was not the hon. Member for Finsbury, representing a large and powerful constituency, and by habit and political interests bearing peculiar relations to the working classes of this country, to be considered as a public man? He would admit that he was not so important a public man as the right hon. Gentleman upon whom the conservation of the peace of the country depended; but still, both the hon. Member for Finsbury and the other Members of that House were entrusted with duties, for the performance of which they sat there, and in the way of which, he must say, he thought unfair impediments had been thrown. He recollected perfectly the state of the country at the time referred to by the hon. and learned Gentleman,—the general excitement of the working classes—and the bloody-minded conspiracy which was developed at York. But, admitting all that, what could be more desirable than that men before embarking in such dangerous enterprizes should con-

sult those of higher standing and higher intelligence than themselves? And no doubt in such a case the hon. Member for Finsbury, if appealed to, would have exhorted those who sought his opinion to desist. He could conceive nothing more desirable than that every facility should be given to such communications, by which the working classes would be brought more in connexion with, and under the influence of, men who were qualified to guide them. If he were in the hon. Gentleman's place, after the representations which they had heard to-night—above all, after the speech of the right hon. Gentleman the First Lord of the Treasury, who alluded so significantly to the disturbances of 1842, he would never rest until the stigma which had been thrown on his character had been removed, and until all the circumstances attending this covert charge had been most fully and entirely developed. He was the better entitled to say what he had said, inasmuch as upon many points introduced into this question he did not agree with his hon. Friend. He disliked the wording of his Motion. He (Mr. Ward) had not the slightest intention of throwing a stigma on the Committee of last year. If he did not concur in the vote which excluded the hon. Member for Finsbury from that Committee, he walked out of the House without voting. He knew the Members of that Committee were Gentlemen of honour, and he would place his own character in their hands. He did not know, until that evening, what the right hon. Gentleman the Member for Edinburgh had pointed out as to the difference in the constitution of the Committees of the House of Lords and the House of Commons, showing the wish to exclude the hon. Member for Finsbury. He was not, however, prepared to say, even now, that the hon. Gentleman should have been a Member of the Commons' Committee. As to the pure legal question, he would have nothing to do with that. If there were such a question, let it be decided by Lord Denman—let it be brought into a court of justice. If there were no authority by law, as he understood some hon. Gentlemen were prepared to argue, for opening letters under any circumstances, let his hon. Friend take his case into a court of justice, and proceed against the party by whom he supposed that his letters had been opened. He looked to the practical part of the question; and whatever odium might attach to such

a declaration, he believed that some power over letters transmitted through the Post Office was absolutely necessary; and when he heard the hon. Member for Pontefract talking of this country being lowered in the estimation of Foreign Powers by such a practice, and appealing to some recent declaration of M. Guizot, as to the inviolability of letters in France, he thought that such a reference was more worthy of his imagination as a poet, than of his position as a legislator and a man of the world. Let him ask their own Ambassador, Lord Cowley, or any other Minister at a Foreign Court—let them have been acquainted with diplomacy, as he had been—and they would find that no Ambassador from this country would entrust anything to a Foreign Post Office which he would mind having read at Charing Cross the next day. It was the universal practice abroad to open the letters of foreigners. The feelings of many hon. Members might be outraged by the supposition of such a power being exercised; but it was impossible that any country in the world could allow a great public establishment like the Post Office to be used against itself, for the purpose of disturbing the peace of the country. Let him only put a case. Suppose what had happened at the close of the last century, when certain Separatist Societies in Ireland sought the assistance of France against this country, were to occur again; could it be supposed that any abstract feeling of moral obligation could compel the Secretary of State to become the carrier of such correspondence? Did they think he could even take the chance which the right hon. Member for Edinburgh had spoken of, namely, of delivering the letters safely, and getting possession of them again by a search warrant? He believed that if they declared the absolute inviolability of the letters even of Members of Parliament, it might be dangerous to the peace of the country. He was not, therefore, disposed at all to quarrel with the existence of this power; he believed it to be indispensable that it should exist, but not without some means of ascertaining that it was not applied to political purposes, and that it was not exercised from impertinent personal curiosity, but from motives of public duty. That was the question which he thought had been fairly submitted to the Committee of last year, which Committee they themselves had bound to secrecy. He doubted whether the Members composing it would have become acquainted with all the

facts which had been laid before them, if they had not been a Secret Committee. He doubted, too, whether any public good would result from making all these facts public at this moment—even if it were possible to follow the suggestion of the hon. Member for Montrose, and publish the evidence. It was given upon the supposition that it would not be made public; and therefore he thought they had no right to publish it. He thought the most monstrous exaggerations of the conduct of the Home Secretary had been made during the greater part of last year, and that he had had to bear much odium for acts which did not arise out of his own Department, and for which he was not justly responsible. He (Mr. Ward) would admit that he had put his judgment into the hands of the Committee. Had the right hon. Gentleman had whole bags of letters carried to the Home Office for his inspection?—had he exhibited a prying meddling curiosity?—had his conduct been different from that of other Secretaries of State? Was there any broad distinction between the practice adopted by the right hon. Gentleman and that of his predecessors? He would put it to any man's feeling of fairness and sense of justice, to say, whether these were not the points really at issue? What did the Committee tell them? It said distinctly that it brought in, as a jury, its verdict, "Not Guilty." It said that from 1838 until the middle of 1841, when the Whig Government went out, and during which time two Home Secretaries had filled the office, that there were forty warrants issued during the four years; and subsequent to that period, from August, 1841, to August, 1844, there had been forty-four. Did the difference of four warrants show that the duty of the Home Secretary had been improperly exercised? He thought not. As to the case of Mr. Mazzini—putting aside for the time that of the hon. Member for Finsbury—most certainly the burden ought to rest where the necessity for intervention arose; namely, with the Secretary for the Foreign Department. The circumstances of the case were explained on a former evening by the right hon. Gentleman, and he had listened to it with great attention. The hon. Member for Finsbury had said that the blood of those unfortunate men who were sacrificed, rested upon the head of the British Government. He (Mr. Ward) looked upon that as a grave imputation, and he had heard it with the deepest pain.

As to supposing that the right hon. Gentleman the First Lord of the Treasury, or the noble Lord the Foreign Secretary, was capable of leading any man into a trap, he utterly disclaimed the idea of imputing it to them; but he did think that a communication might have been made to a Foreign Power which had caused these unhappy men to be led to their destruction, and that sufficient warning had not been given to them. He thought that if the British Government had furnished the Austrian Government with information, foreseeing what might happen in Italy, they ought also to have put the individuals who contemplated the descent upon Italy upon their guard. He, however, must admit that he had heard with satisfaction the other night, that the only reason why such information had not been supplied to the Bandieras, and other persons residing in Corfu, was, that they were not suspected—their names were not mentioned. He thought that was a redeeming circumstance in the case. He trusted the right hon. Gentleman would see that he trod upon dangerous ground when he once permitted the Post Office of Great Britain to be made the instrument of the policy of a Foreign Power. In this country we had State trials; but in the south of Italy they managed matters differently—a drum-head court-martial and a short shrift, did the business. It was certainly a mad enterprise for twenty-two unarmed men to sail from Corfu, and he could quite understand that even Lord Seaton might not have suspected their intentions. With regard to what had been stated the other night, he thought there had been a complete explanation of the direct, but not of the collateral, charge. The unhappy men to whom he had alluded would not, he believed, have crossed to the kingdom of Naples, if, in consequence of the indirect information given to the Austrian Government, some measures had not been taken (of which the British Government were unconscious) to lure these men on to destruction. That was his impression the other night. He would venture, however, to say, that so long as the Foreign Office of England made use of the English Post Office as the means of keeping Foreign Governments informed of what was taking place in this country, the Secretary of that Department would expose himself to these attacks, and the results would be equally painful to himself as they would be discreditable to the Country. The power of opening letters must, however, exist. If

they made the Post Office inviolable, they would be obliged to pass a Bill of Indemnity every year, for it would be absolutely necessary for the preservation of internal peace to violate it. He only wished to see the power applied under proper checks and precautions. It might be desirable to establish a periodical inquiry as to the exercise of the power; and he should be perfectly satisfied, without any of the anti-quarian details in the Report of the Committee as to what had been done in times past, to see the power kept within proper limits in future for the safety of the community. But he must end with the case with which he had begun—he meant the case of the hon. Member for Finsbury. He would say, when a Member of Parliament declared that he believed his letters had been opened—that his correspondence had been tampered with—it was not a stigma cast upon the right hon. Gentleman alone, but upon the hon. Member who made the complaint; and he had a perfect right to call upon every Member of that House who possessed one spark of proper feeling, to support him in demanding an inquiry. Any of them representing populous towns might be consulted, as he had before stated, by men desirous of being guided by their opinions; and, if that was desirable, upon what plea could letters addressed to a Member of that House be opened, although written by men who had incurred the suspicion of the Government, without the circumstances being stated? He would not go into the question of Breach of Privilege—that had nothing to do with it. If any Member of that House embarked in a treasonable design, let him take the consequences; but when an hon. Member asked what the circumstances were, and demanded the fullest inquiry, he was entitled to have it, and it ought to be granted. If the hon. Gentleman had framed his Motion in this way, involving this simple question, he (Mr. Ward) would have voted for giving him another Committee, and would never have allowed another act to have been done by the Government in that House, as far as he could oppose it, until that were done. He should like to see an Amendment moved by some hon. Gentleman of more influence than himself, proposing an inquiry into all the circumstances, and under what authority the letters of his hon. Friend, had been opened; and no Motion he had ever voted for in that House would have received his more cordial support.

Lord J. *Manners*: This is a question, as has been observed by my hon. Friend the Member for Hull, affecting not the right hon. Gentleman the Home Secretary, but the hon. Member for Finsbury, and should be so treated. After what has fallen from my hon. Friend the Member for Pontefract, I think it necessary to state in a few words the reasons by which I shall be guided in giving my vote upon this occasion. I entirely agree with what has been said against mixing up the questions which have been decided by the Committee with the question affecting the hon. Member for Finsbury, and sincerely trust that he will consent to alter the terms of his Motion so as to restrict it entirely to his own case. I should have been content to give a silent vote, had it not been for certain observations which I have heard from the right hon. Gentleman the First Lord of the Treasury. The right hon. Gentleman has removed from the consideration of the case all those circumstances which I believe to be naturally attached to the question, and put it entirely and clearly before the House as a matter of confidence, first, in the honour and integrity of the Committee, and secondly, in himself and his Colleagues. I am anxious, Sir, to reject for myself any such conclusion, and to vindicate for others, no less than myself, the right of voting on the simple merits of the case, and not on those extraneous views which, in my humble opinion, are too frequently pressed upon the House, if a free discussion and fair decision are to be regarded as of any value. I protest, therefore, against this case of the hon. Member for Finsbury being made the test and touchstone of want of confidence in the Government. I say that if such a question as this is to be viewed as a question of confidence in Her Majesty's Ministers, the sooner some new Cromwell appears, and removes "that bauble," and turns us all out, the better. I beg leave to ask the House, what are the real facts of the case? They are simply these:—An hon. Gentleman complains that his letters have been opened. He asks for the same justice for himself that has been afforded to other Gentlemen in a similar predicament. He says, that he feels himself, as long as suspicion attaches to him—I quote his own epithet—a degraded man. I cannot think that epithet too strong, considering the circumstances of the case; for no one would be subject to have his letters opened, unless there was grave suspicion attaching to him of having

done, or said, or permitted, something which would stamp him as an enemy to his country, or at least as a false and a bad citizen. It seems to me, then, that the epithet is not too strong; and when that Gentleman comes forward and states that he feels himself degraded, and not only that but that the constituency which he represents suffers through him, I do think the House will do well to pause before it refuses altogether to admit the plea and request of the hon. Gentleman. Having thus endeavoured to state the view which I take upon the personal question, as affecting the hon. Member for Finsbury, I will now venture to say a few words on the great and only argument, as it seems to me, brought against his proposition. I assure the right hon. Gentleman that I entirely appreciate the motives which governed his conduct, and I enter most fully into his feelings; and if I refrain from saying more in favour of his high honour and integrity upon this occasion, it is because I feel it would be almost an insult to him, as implying there was some necessity for such language. But I would ask whether his answer to the question of the right hon. Gentleman is one that can be deemed satisfactory? The right hon. Gentleman says that official secrecy restrains him. Why, the whole grievance in my eyes is, that secrecy has somehow or other been abandoned. If that secrecy had not been violated, the hon. Gentleman would have no case; [his case would never have been known; and it could only not be said to have come to an end, because it never would have had a beginning. Secrecy is a condition which is endurable. Publicity is another condition which is endurable. But this is a practice which is unendurable; and it seems to have been so to the hon. Gentleman, as all who heard the harsh and severe terms which he used in his speech will admit; unendurable to the right hon. Gentleman, as a man of high honour and generous feeling. It is unendurable to the right hon. Gentleman the First Lord of the Treasury, for it leads him to think and speak of a want of confidence in his Administration. Lastly, it is unendurable to this House, for it has roused up acrimonious feelings, and generated animosities, which cannot be put an end to unless something is done to answer the hon. Gentleman. If there be any other course, let it be adopted. I care not if the

answer comes directly from the right hon. Gentleman. What, for instance, should prevent him from getting up and saying, what I suppose is now admitted in this House to be a matter of notoriety,—“ Mr. Duncombe, in the year 1842, in a time of great danger and doubt, acting upon my own responsibility, I opened your letters; and I have now, following the precedent of the Secret Committee, the satisfaction of saying to you, that there appeared in the letters nothing whatever to criminate you.” I do not say that this is the course to be adopted. What shall be the means adopted, to do justice to the hon. Member, I care not; but I do submit to the House, that the question cannot, and will not, be permitted to remain in the state in which it is. I can conceive nothing more injurious to the Public Service than that it should remain as it is. Sir, what will be the end of all this? Why, if nothing more is to be done on the subject, there will be the hon. Member for Finsbury—a Gentleman who takes an active part in all the public questions submitted to this House, blessed (as every one here well knows) with a very fluent tongue, and a peculiar happiness of jocular vituperation, with a keen sense of injury, after making this extraordinary statement, with no explanation whatever offered, no justification, no apology, no exculpation, no inculpation—sitting opposite to the right hon. Gentleman, whom he firmly believes to have done him great injustice and wrong, and aiding him in legislating for the public good. What can we expect from such a state of things but that acerbity, and bitterness, and quarrels, will be eternally springing up in this House? When I reflect upon the opposite evil which some very timid people may anticipate as possible to arise from pursuing, as the hon. Member for Pontefract (Mr. Milnes) calls it, the manly and candid course, I really cannot see how hon. Members can hesitate for a moment as to the course to be pursued. What evil could possibly arise to the Public Service, or even to this private method of aiding it, from the announcement being made which has been suggested to-night? Would the Public Service, do you think, lose by such an avowal? Would this secret system become more odious than it is in consequence of it? The system, I venture to say, would become infinitely more tolerable to the people of England, infinitely more likely to be productive of good to the State, than it will be if, after

such statements as we have listened to—after assertions made with so much determination, and such evident conviction of their truth on the part of the hon. Member who has made them—this House is still to be told that nothing further can be said on the subject, and that no explanation is to be given; that the hon. Member is neither to be exculpated nor inculpated, but everything is to be shrouded in impenetrable obscurity, and left to the chance fight and medley disputation which I, for one, foresee and deplore. Sir, these are the views which influence me; but I cannot vote with the hon. Member for Finsbury on his present Motion, because I consider that after the Report which that Secret Committee has laid on our Table, and after the explanation which the right hon. Gentleman at the head of the Administration gave last night, this House has absolutely nothing further to do with the other cases to which it refers. The case with which the House has to do is the case of the hon. Member for Finsbury. I do beseech him so to mould and alter his Motion as to allow myself and other Members of this House to support it, without in the slightest degree casting the least, the most remote, imputation either upon the hon. Gentlemen who composed the Committee, or upon the right hon. Gentleman on whom so many cruel, and, I believe, unjust aspersions have been cast—which I sincerely hope to hear retracted before this debate closes; and without showing the slightest want of confidence in Her Majesty's Ministers—a question which has been, I think, almost ludicrously brought into this debate.

Captain *Layard* said, that no one in that House felt more deeply impressed than himself with respect both for the honourable feeling and intelligence which were the characteristics of those Gentlemen who formed the Secret Committee; at the same time, he felt bound to state his opinion, that the country was far from satisfied to allow this matter to remain as it did at present; and he thought he should be able to show, by the line of conduct pursued by the right hon. Baronet the Secretary for the Home Department, that such was the case. Before the petition of Mr. Mazzini was presented to the House, a friend of his (Captain Layard's) had asked him “if he had heard the report?” He asked his friend, “to what report he alluded?” The answer was, “that it was currently reported that the right hon. Baronet the Secretary for the Home Department had

caused many letters to be opened without sufficient authority." He told his friend, that he might depend upon it the report was without foundation; that in his opinion the Secretary for the Home Department was far too honourable a man to act in such a manner; and, supposing that for a moment not to be the case, he was too wise and too sagacious to do that which would entail such odium upon himself, if proved, and disgrace upon the Administration to which he belonged. Such being his opinion, his astonishment was great when the petition of Mr. Mazzini was presented; still greater when the hon. Member for Finsbury stated that he was able, and prayed to be allowed to prove, the allegation; but greater than all when the right hon. Baronet the Secretary for the Home Department shunned the inquiry—declaring that it was for the advantage of the country that no Committee should be granted, and that he took the responsibility upon himself. Now, he fully agreed with the right hon. Baronet the Home Secretary, that he was responsible; but he was at a loss to know how that responsibility was to be efficacious, if an open inquiry into his conduct was to be denied. It was said that by putting out the eyes of a bullfinch, the unhappy bird was enabled to sing a different tune from that which it did before. Now, he was not going to compare the right hon. Home Secretary to that unhappy bird; far from it, for though, indeed, upon the second occasion when this matter was brought before the House, he sang to a very different note from that which he did before, yet it struck him that the right hon. Gentleman had more likely been couched. At any rate, he seemed to be more aware, and to perceive more plainly, to say the least of it, the peculiarly unpleasant situation in which he was placed. He thought that the hon. Member for Pontefract had helped to couch the right hon. Baronet. He had, at any rate, materially assisted to dispel the mist which had at first seemed to veil the eyes of the right hon. Gentleman as to the real state of the case, when the hon. Member for Pontefract declared he should have been better satisfied if a Committee had been granted. But did this honourable feeling actuate the hon. Member for Pontefract alone? Certainly not; it was shown and felt by many Members on both sides of the House, and it was well known, upon the second occasion, when the matter was brought again under consideration, that had no Committee been granted,

and the Ministers had divided, they would have been left in a minority; and a knowledge that such would be the case made the right hon. Gentleman change his note as he did,—then making a speech, the purport of which seemed to be to make the House believe, that whatever he had done amiss, Gentlemen on the Opposition side had formerly done worse—as if that had been any justification, if it had been correct; which undoubtedly it was not. He then stated that, for the sake of his own character (forgetting, it was to be presumed, that he stated before that the good of the country required there should be no Committee), a Committee should be allowed. But what Committee? Only a secret one;—

"Oh lame and impotent conclusion."

If, as at first stated, the good of the country would suffer from an inquiry, no Committee ought to have been granted. If this was to give way, and it became necessary for the sake of the right hon. Gentleman's character, was a Secret Committee, from which the best source of information respecting these allegations was excluded, in the person of the hon. Member for Finsbury, likely to be satisfactory to the public? Certainly not. And the exclusion of that hon. Gentleman, after what had passed, gave good grounds for people to believe that a complete investigation never was intended. When the hon. Member for Bath made charges of Parliamentary corruption, and a Committee was granted, he was not only placed on that Committee, but appointed Chairman; and no just or sufficient reason had been or could be given, why the hon. Member for Finsbury should have been excluded. The whole system of letter-opening was revolting to the spirit and love of liberty inherent in the British people; and the sooner such a system was done away with the better. Napoleon, who understood the spy system as well as any one ever did, said that the espionage of the Post Office was no better than that of the police, by which only fools were caught. When Catherine of Russia caused not only the letters of her own subjects to be opened, but those of Foreign Ministers, the French Directory appealed against such conduct, stating it to be highly barbarous and dishonourable. He felt assured that the British House of Commons would agree in those sentiments. When M. Guizot was asked in the Chamber of Deputies if it was customary for the Government to open letters in France

(which question was asked in reference to something that had fallen from the hon. Member for Finsbury) he answered immediately, that it was not the case; and this answer was received with cheers in that assembly. Was it to be conceived that the British House of Commons did not coincide with the opinion so expressed, or was behind the French Chamber in honourable feeling? The right hon. Baronet had stated that the law was open to Mr. Mazzini; but would any man in his senses believe that Mr. Mazzini would have acted a wise or prudent part, even supposing he had the means, to go to law with a gentleman of the right hon. Baronet's fortune, and who had an opportunity of silencing the witnesses upon whom the case depended? Mr. Mazzini had taken a far wiser part. He had knocked at the door of the House of Commons, and sent in his petition praying for redress. He had been fortunate enough to get a gentleman to present that petition whose excellent ability made him equal to any subject, and whose industry and firmness made him able to carry it to a successful conclusion. Mr. Mazzini, a foreigner, had visited our country, trusting in the equity of our laws. Since he had resided here, he believed that in his case those laws had been infringed. He called upon the House to grant him its protection. Would those who were the representatives of the people, who ought to be the guardians of their liberties, cast the shield of their protection over him, or not? If they did not, then indeed it might be said with truth of our laws, that they resembled spiders' webs, by which indeed the small flies were taken, but the large ones broke through with ease and impunity. According to the Report of the Secret Committee, the warrants issued by the direction of the right hon. Baronet were, in the year 1841, 18; in 1842, 20; 1843, 8; and in 1844, 7—making 53; a far greater number issued than in any preceding four years since 1799. There was another circumstance mentioned in the Report which he thought worthy the attention of the House; in page 17 it stated, in reference to Queen's messengers and Foreign Office bags, which were under the control of the Secretary for Foreign Affairs, that in that Department great abuses had existed, numbers of letters having been sent in that way, and the postage thus evaded. But the Report went on to say, that this abuse had been almost discontinued. Now, he thought it ought to

be the care of the Government that it was completely so. He trusted the House would grant a full, fair, and, above all, an open inquiry. It was due to Mr. Mazzini; it was due to the hon. Member for Finsbury. In his opinion it was a grave matter to bring a charge against any hon. Member, and a grave responsibility rested upon any Member so doing; but such had been the course pursued by the hon. Member for Finsbury, and it was the duty of the House to grant every facility for proving whether his assertions were correct. These being his sentiments, it was his (Captain Layard's) intention to give his support to the Motion of that hon. Gentleman.

Sir R. H. Inglis said, that the Speaker had found much difficulty in this discussion; for the right hon. Gentleman, though desirous of calling up the friends and opponents of the Motion alternately before the House, did not actually know where to look for them. The question had raised up enemies of the Administration on their own side of the House, and friends of the Administration on the Opposition side of the House. His hon. Friend, the Member for Pontefract, who rose immediately behind the Treasury Bench, had opened the discussion this evening in a speech of a very questionable character. Did his hon. Friend call that backing his friends? One of the best speeches which had been made in favour of Ministers, or at least against the hon. Member for Finsbury, at whose back he sat, was that of the hon. Member for Sheffield; and in the whole of his speech, excepting the beginning and the ending, he was willing to concur. Whatever pleasure that speech was calculated to give those who thought with him, he could not believe that it imparted equal pleasure to the hon. Member for Finsbury. These circumstances made him think that the quick and impartial eye of the Speaker had peculiar difficulty in ascertaining where he ought to look for friend or opponent of the Ministers. He could not exactly agree in the opinion expressed by his right hon. friend, the Member for Edinburgh, that the letters of a Member of Parliament should be viewed in a different light from the letters of any other person, in reference to the exercise of—he would not say a Statutable power—but a Common Law power, confirmed by Statute. In the first place, he did not know that the letters coming from the hon. Member for Finsbury had been intercepted and examined.

All that had been alleged was, that letters which had been addressed to the hon. Member for Finsbury had, in his judgment, been intercepted and read. That, he thought, made an important difference in the application of the law, and in the inferences which were to follow. No person could secure on the part of those who were addressing him an entire propriety of speech, or a due regard for the law which, in his own letters and correspondence, he maintained; he could not, therefore, be made responsible, either on the score of propriety or in point of law, for the conduct of those who addressed him. The hon. Member should not, therefore, endeavour to throw the shield of his Parliamentary power over those who, perhaps, had violated the law. But the Motion before the House did not even assume that the hon. Member's letters had been violated. The hon. Gentleman asserted, as his belief, that his letters had been opened. He could only say, that if his letters had been opened, he should have been satisfied with the acquittal of the proceeding contained in the Report of the Select Committee. It was stated in page 16 of the Report—

“So far as the criminal warrants go, no suspicion arises that unfairness or partiality has directed their issue. With regard to the other class of warrants, though there have been some few issued by different Administrations that have been in power during the last twenty-two years, in regard to which it is obvious that, on a subsequent review of the facts, a difference of opinion might arise as to the discretion exercised in each particular case, yet your Committee see no reason to doubt that the conduct of the Secretaries of State belonging to each of those Administrations has been guided by no other motive than an anxious desire to preserve the public peace, with the maintenance of which they were charged.”

He would not go into the question as to the Common Law on the subject. They might have a better law. He did not mean to contend that point. He would not go back to antiquarian authorities. After such authorities and precedents relating to this Statute Law, for a comparatively recent period, for a period of 140 years, did any person mean to contend that the law had been violated? When this question was before the House last Session, it was committed to the inquiry of a Secret Committee; and when that Committee had pronounced such an opinion upon the subject as was contained in these

papers, it was almost absurd to talk of referring that now to a public tribunal which they had before deliberately committed to a secret tribunal. The case was even much stronger than this, because the evidence on which the Report was made was of such a nature as never could have been given, nor could it have been extorted under other circumstances. That evidence was readily offered, and had been received under an honourable compact, which compact this House was now called upon to repudiate and to violate. What security had any public man of this country—for he believed that the examination before this Committee was not altogether confined to the public men of any country—what security would such men have, if after being admitted to the room up stairs with this honourable understanding of secrecy, and having given their evidence to a Committee of as impartial and intelligent men as this House could supply—if, after being led to make important communications under such circumstances, the compact should be violated, and all the evidence thus given be exposed to gratify an idle curiosity? Did the hon. Member for Finsbury impugn the constitution or the decision of the Committee? The Motion before the House did not allege any violation of duty on the part of this tribunal to which the subject had been referred. He said nothing of the speech of the hon. Member for Finsbury. It was enough for his argument to say that there was in the motion itself no crimination made against this Committee; and if that be so, he maintained that there was no *locus standi* for the hon. Member to come before the House and say that he was an injured man. If they looked to the proceedings of the House of Commons last year, they found that, after having taken ample time for consideration, the House had decided to leave the whole matter to be investigated by a secret tribunal, which tribunal had subsequently done its duty. He therefore hoped that the House would not think of re-opening a case which had been already decided by a Committee, the decision of which no man had attempted to impeach. If such a step be taken, it would only furnish a precedent for involving the same inquiry in perpetual reiteration, because the result of the next inquiry might be a similar Motion, tending to no practical good, and keeping alive, at a great waste of public time, a very injurious discussion. His hon. Friend the Member for Pontefract had asserted—and rare and

wonderful was the man who could seriously assert—that there was no country in Europe in which the sanctity of the Post Office was not observed, with the exception of England. The hon. Member for the county of Bute had, in contradiction to this statement, given an illustration of an ancient date. He believed that instances much nearer might be given of a similar kind. Possibly the story he was about to relate might be familiar to many on both sides of the House—he knew it was familiar, at least, to one on the opposite side of the House. He would not give such details as might fix it to those who might not perfectly know it; but by those who did know it he was sure it would be recognised when he said that, in a negotiation, not very distant in time and not very distant in country, the Secretary of State for Foreign Affairs desired the Minister at a certain court to insist upon certain terms, but not to press them at the risk of war. He received by post, by the ordinary and common post, a letter stating, “I have made the communication. I stated that my Government insisted upon such and such terms; and I have told them that unless I receive a favourable answer, I shall, in twenty-four hours, demand my passport.” When the letter was received, the English Minister, whoever he was, said, “The man is mad; what can he possibly mean?—Involve us in a war for this!” Twenty hours had not elapsed before the messenger of the Minister arrived, and brought another letter. He said, “I knew that my dispatch, which went by the post, would be opened. It was opened; my secret instructions were revealed. In less than six hours the favourable answer was received, and I now take this more confidential mode of communicating the result, and the successful result of your instructions.” He knew another case. An individual at a foreign court was requested to convey a particular dispatch, and it was said in as many words, because this dispatch, if conveyed by the post, would be certainly opened. How his hon. Friend the Member for Pontefract, or how any other individual, in any other assembly, could stand up and say that the Post Office was inviolate everywhere except in England, surpassed all his powers of comprehension. His hon. Friend had talked of the glory of England in being the refuge of the foreigner. He did not know that he used the exact phrase, but he dealt largely in poetry, and said, that it was a green spot in the wilderness, an oasis into which all those who

passed through the desert of this world might arrive with grateful delight. He was very willing to admit, for it had been the glory of England now for six centuries, that England should be the refuge of the foreigner; but it should be their refuge only so long as they maintained, in the first place, peaceable and loyal conduct towards this country, and so long, also, as they did not convert this oasis into a volcano, to carry devastation and fire to other countries. Did any innocent man complain of his letters having been opened? If they did, he had not yet heard of it. He certainly had not as yet heard any complaint from the hon. Member for Finsbury, that any letters written by him had been opened. There was no evidence to prove that they had been opened; and he went further, and said, that there was no presumption that they had been opened. All this applied to letters written by the hon. Member for Finsbury. He did not mean that letters addressed to that hon. Member had not been opened. It was not necessary for him to admit or to deny that allegation. The letters opened were, at all events, letters for which he was not responsible; letters addressed to him. You might say, Well, might not the constituents of a Member communicate with him? Certainly they might; but it might be the misfortune of some hon. Member to have some constituents in whom they themselves had no confidence, and who availed themselves of their relation to him to deal with the privileges of his Parliamentary character, and to address themselves to him in a manner which he would himself repudiate. He said this merely for the sake of illustration, because he did not know the fact. He did not find in this Report any allegation whatever, that letters written by the hon. Member, or even that any letters addressed to him, had been opened; but he said, that if they had, his Parliamentary privilege ought not to exempt him. He would not contend that his Parliamentary privilege ought to exempt him; and he believed, there were very few men in the House who would not be equally ready to make the same disclaimer of their privileges. His hon. Friend opposite, if he should be again Secretary of State, or the present Secretary of State, were alike at liberty, without complaint on his part, to open any letters which might be addressed to him. Although, as was stated by the hon. Member for Kendal, there were certain alternations of opinion in this Report, and,

perhaps, nothing else could have been expected from the constitution of the tribunal from which it emanated,—although he found one square black, and another white, like a chessboard, yet the result of the whole was the liberation of Her Majesty's Government from any charge affecting either their moral or political character. When he found that, it was an indication of their discretion in respect to this particular case. [*A cheer of dissent.*] That cheer did not proceed from any Member of the Secret Committee. He had not heard from any hon. Member who was himself a Member of the Committee that he was wrong, and as he had not, they were all on equal terms. Any man who held the Report in his hand was equally entitled to draw an opinion; and his opinion was, that there was an exculpation of Her Majesty's Ministers in respect to the use of the power which the Law and Constitution of the country had committed to them, and that there was such a justification of their use of such power in the particular case of Mazzini as warranted him in giving his confidence to them. Under these circumstances it was not only not necessary for him to say that he did not support the Motion of the hon. Member for Finsbury, but perhaps it was hardly necessary for him to say, that he should be equally prepared to oppose the Amendment which had been shadowed forth in two or three of the latter speeches in the House, especially in that of the hon. Member for Sheffield. As the Parliamentary privilege of a Member did not exempt him from a charge of felony, so he did not know why his correspondence should exempt him from a charge of political misconduct. But, in the particular instance before the House, he must again repeat, that there was not the slightest ground for believing that any letter written by any Member had ever been opened in the late transaction. Therefore, he was not prepared to vote for the Motion of the hon. Member for Finsbury, and, practically, as little for the Motion which was to be an amendment upon it, by whomsoever that Motion might be proposed, exempting the hon. Member for Finsbury from the operation of this power, or at least stating that the exercise of this power had been of an improper nature, and calling upon the House for inquiry, and to send it to another tribunal.

Mr. *Bernal* observed, that his hon. Friend who had just spoken had altogether mistaken the question of Privilege. At

present it was in the power of his hon. Friend, the Member for Finsbury, to call, if he thought proper, to the Bar the officers of the Post Office, and make them depose to the fact of opening his letters; and it would be a breach of privilege if they could not produce a substantive defence and justification of their conduct. There was a well-known Resolution of that House on the subject, dated April, 1735. The Committee appointed in the time of Sir Robert Walpole, in 1735, came to certain Resolutions which were afterwards embodied in a vote of that House, by which it was declared—

“That it is an high infringement of the privilege of the Knights, Citizens, and Burgesses, chosen to represent the Commons of Great Britain in Parliament, for any Postmaster, his Deputies or Agents, in Great Britain or Ireland, to open and look into, by any means whatsoever, any letter directed to, or signed by the proper hand of, any Member, without an express warrant in writing, under the hand of one of the Principal Secretaries of State, for every such opening and looking into; or to detain or delay any letter directed to, or signed with the name of any Member, unless there shall be just reason to suspect some counterfeit of it, without an express warrant of a Principal Secretary of State, as aforesaid, for every such detaining or delaying.”

He thought, therefore, that the question of privilege was one by which they ought not to be altogether influenced; but he considered his hon. Friend the Member for Finsbury ought to assume a higher ground; that he ought to take a more elevated standing in the matter, and rest his case on the fact, that a Member of Parliament fills a situation, in the public eye, of great responsibility, a situation of great importance, of great character; that a Member of Parliament belonged not only to himself but to his constituency, and, to a certain extent, to the country at large; and if it were supposed that Members of Parliament were criminating themselves by holding intercourse with contaminating men, with persons engaged in treasonable and reckless schemes, then, he would repeat, the charge was one which stood on much higher grounds than any mere breach of privilege, because men who lend themselves to such schemes and practices were unfit to sit in that House, or to hold intercourse with the Gentlemen of whom it was composed. He therefore trusted, that the hon. Gen-

tleman would not embarrass his case with any mere question of Parliamentary privilege, but that he would press it forward on other and more important grounds. There was no man who gave the matter the slightest consideration, but must see that it did not rest solely on whether those privileges had been evaded or not; and supposing his hon. Friend should be defeated in his present Motion, then he would contend that the hon. Gentleman would be entitled to adopt another course, which there could be little doubt he would take, if necessary, and that was to call to the Bar of the House those public servants whom he could charge with being concerned in the opening of his letters, and it would then be for them to show, if they could, as their justification, that they had acted under a warrant from the right hon. Baronet, or from any other Secretary of State. He would recommend that course to be adopted in preference to any arguments held forth about the dogmas, the illusions, and the shadows of Parliamentary privileges. When he saw those parties to whom he had alluded on the floor of that House, and heard what attempt they could then make at supporting the acts of which they had been guilty, by the production of a warrant, if any such authority had been issued by the Secretary of State, he would then be prepared to deal with the question in a more safe and satisfactory manner. He would say that they were not at that moment in a position to deal with the law of the case. He was told that a Motion would be made hereafter for the purpose of inducing the House to consider whether the Statute Law—the Statute of Queen Anne, confirmed as it had been in a kind of semi-way by the Statutes of Her present Majesty—ought to be suffered to continue;—to ascertain whether the state of public opinion respecting this subject was in the same position in 1845 as it had been in 1735; to consider whether that division of the Legislature was at the present day of a similar opinion with their predecessors a century ago, as to the propriety of continuing to the Government the power and the right of opening and inspecting the correspondence, not only of the Members of that House, not only of all the subjects of the Sovereign of these realms, but of the subjects of every Government in the world that came within their reach. He maintained that they were not then in

a position to enter into that question. He was not prepared, any more than his hon. Friend the Member for Sheffield, to enter into so wide a field. He did not intend to question the manner in which the nine hon. Members who had formed the Secret Committee in this matter had performed their duty. He believed that all those hon. Gentlemen were disposed to enter into the investigation for which they had been appointed, in a proper and searching manner. He was not prepared, in the slightest degree, to asperse their characters, or doubt the purity of their intentions, their acts, and their motives; nor was he disposed—and he trusted the right hon. Baronet (Sir James Graham) would give him credit for sincerity when he said so—to accuse that right hon. Gentleman of all the charges which had been brought against him. On the contrary, he believed that accusations had been brought against the right hon. Gentleman of the most improper, the most ridiculous, and the most exaggerated character; but he, at the same time, should say that the question of responsibility, behind which he screened himself—the question of the due exercise of the discretion which the law vested in him—was one of a very material and serious nature. The question had been before asked, and he would repeat it, what was the precise meaning of the word “responsibility?” It was one of the most difficult terms to define, in the lexicons of statesmen, and one to which a proper signification could not easily be assigned. Still more difficult was it for them to say how they were to arrive at the proof of whether the Minister exceeded the limits of—he would use the term—a moral, sufficient, and justificatory responsibility. But it had been stated, he thought, by the hon. Baronet the Member for the University of Oxford, that he could see nothing in the Report of the Committee referring to the hon. Gentleman the Member for Finsbury. He concurred in that remark; but he at the same time thought that much of the imperfection of that singular Report consisted in its telling too much and too little. There was a great deal of mystery connected with it, not only in the manner in which it had been concocted, but also in the final conclusions to which the Committee had come. He need not refer to particular passages which had been read over and over again in the course of

that debate; but every hon. Gentleman who heard him, and who was familiar with the Report, knew that it contained many strange sentences enunciating very different opinions. One appeared to have the idea floating in his mind that the right of opening letters exercised by the Secretary of State was Common Law. Another seemed to think that it was not Common Law; but that it was made law—if he might use so ridiculous a term—by the Statute of Queen Anne, and that it had then been confirmed by the Statute of Victoria. He heard several hon. Gentlemen say, that the exercise of such a power by the Government was an illegal act; but if such were the case, it was clear that that House was not the proper tribunal to try its legality or illegality. If the letters of Mr. Mazzini, or any other Gentleman, could be proved to have been opened in the Post Office, the remedy, if the act was illegal, was clearly in a Court of Law, and not in that House; and he would add, that neither the elevated position and power of the right hon. Baronet, nor of any other individual in the country, would hinder a due consideration of the question, should it be so brought forward, both on the part of the Bench, and of a properly constituted jury of their countrymen. If the practice of opening letters in the Post Office was in the slightest degree tainted with illegality, the floor of the House of Commons was not the proper place to seek redress. That redress should be looked for in the Court of Queen's Bench, where the legality of the practice in some particular instance should be impeached. But he did not wish to rest the case on any special pleading. They were to found their judgment on the facts that were brought before them; and though, as far as he was individually concerned, he could not agree in the Motion of his hon. Friend the Member for Finsbury, still he could not conceal from himself that it was not a mere shadow, as the hon. Baronet (Sir R. Inglis) seemed to consider it. The question, whether the letters of the hon. Gentleman the Member for Finsbury were really opened or not, was one of a very grave character; and he, therefore, trusted that some hon. Gentleman would move an Amendment, limiting the inquiry to the case of the hon. Member for Finsbury alone. He considered his hon. Friend to be very peculiarly circumstanced after what had transpired in the course of that

debate. He did not mean to allege that the right hon. Baronet opposite had directly charged his hon. Friend with being engaged as a participator in the riotous proceedings by which the country had been disturbed in 1842; but certainly the expressions which had fallen from the right hon. Baronet might bear some construction of that nature. His hon. Friend the Member for Finsbury had a greater right to demand an inquiry after the speech of the right hon. Baronet than he otherwise could put forward. He had now a right to demand that inquiry, in order to ward off the allegations which had been put forth against him, and under which he (Mr. Bernal) would candidly say, his hon. Friend now laboured. He was sorry to perceive that the hon. Gentleman the Member for Bute (Mr. J. S. Wortley) was not then in his place. He regretted the tone which that hon. Member had thought proper to adopt in the course of his argument. He admitted that the right hon. Baronet (Sir James Graham) had a right to feel annoyed at some of the charges made against him, and at a part of the language that had fallen from the hon. Gentleman the Member for Finsbury. He entered into the feelings of the right hon. Baronet; but he would at the same time ask him, and he would still more forcibly appeal to the hon. Gentleman the Member for the county of Bute to reflect how they would themselves feel if placed in the situation of his hon. Friend the Member for Finsbury, who had positively asserted that he was in a position to prove that his correspondence had been violated, and who had heard himself charged, perhaps indirectly or by implication, with being a party to transactions coupled with the Chartist proceedings of 1842—proceedings which the hon. Member for Bute had informed them were in the north of England mixed up with hand-grenades, and infernal machines, and attempts at assassination. When such charges were brought forward in this House, it was, he submitted, not to be wondered at, if they were found sufficient to arouse the temper of his hon. Friend the Member for Finsbury; and if that hon. Gentleman had been drawn into the use of expressions which were unwarrantable in this House, no one would more sincerely regret such expressions than the hon. Gentleman himself in his cooler moments. He felt obliged again to express his

sorrow that the hon. Member for Bute was not then in his place, and that the tone of his observations to the House had not been of a more conciliatory nature. The hon. Gentleman might not have intended to charge the hon. Member for Finsbury with any unworthy motives in bringing forward the present Motion, or with having participated in the acts and proceedings of ill-intentioned Chartists in 1842; but still his remarks went far to justify such an interpretation of them. He was also sorry that another hon. Gentleman who had addressed the House, had also thrown out observations of a somewhat similar character in alluding to the Chartist proceedings of 1842, which was, he believed, the year in which his hon. Friend the Member for Finsbury suspected his letters to have been opened; or rather he went further, and positively asserted that his letters actually had been opened at that time. He would ask the right hon. Baronet, did he imagine that by refusing the inquiry demanded he would stop all further proceedings on this question? He could tell him that it would be idle to entertain any hope of the kind; and he would go further, and say to the right hon. Baronet, that for his own tranquillity and peace of mind, and for the sake of the character of the Government to which he belonged, he ought not to persevere in his endeavours to stifle the charges brought forward. If he did so, he might be sure that they would be reiterated again and again, and reiterated still more forcibly than before, by his hon. Friend the Member for Finsbury. He asked what the result of any continued opposition on the part of the Government to the inquiry would be out of doors? He might be told that it was their business to look to matters as they affected their duty in doors, and not to pay too much regard to what might be thought of their acts by the public outside. His reply was, that such advice was but an idle delusion. It was useless to attempt concealing from themselves that the tone and temper of that House depended on the degree of respect which was paid by the public to their intentions and motives. Under these circumstances he would, therefore, if a political supporter of the present Government—but though he could not claim that title, he certainly bore them no ill will—declare it to be the most dangerous counsel, the most insidious advice, that

could be instilled into the ear of the right hon. Baronet, to persist in refusing the investigation demanded by the hon. Gentleman the Member for Finsbury. He wished at the same time to guard himself against the supposition that he would vote for the Motion of his hon. Friend. As the hon. Gentleman the Member for Sheffield had stated, he did not think they could then enter into the general question involved in that Motion. He hoped some hon. Gentleman would move an Amendment calling upon the House to nominate a Committee for the purpose of inquiring into the simple fact of whether the correspondence of the hon. Gentleman the Member for Finsbury had been violated or not—or he would rather use the terms detained, delayed, or opened. He had not had time himself to frame such an Amendment, or, indeed, to speak more correctly, it did not occur to him to do so; but he trusted the matter would be taken up by some other hon. Member. By doing so, he did not think they would be at all reflecting on the characters or conduct of the nine Gentlemen who constituted the former Committee. No allusion had been made in their Report to the case of the hon. Member for Finsbury; and in the new Committee, if appointed, they would not have again to travel over the cases of Mr. Mazzini or M. Grodicki, or of the other parties to which the Committee of last Session had directed their inquiry. The two Committees would therefore be entirely distinct and separate in their inquiries. He was not then entering into the question of the manner in which the national faith ought to be maintained or observed. He confined himself simply to the case of his hon. Friend the Member for Finsbury; and he was satisfied that that hon. Gentleman would not relax in his efforts on that or on any other occasion, until he enforced the justice of his demand. In the present instance he again had to express a hope that his hon. Friend would, if necessary, call the parties by whom his letters had been opened to the Bar of the House to answer his charge, and to justify themselves, if they could do so, by the production of the warrant under which they acted.

Mr. Borthwick said, that with the imaginary conjectural course spoken of by the hon. Gentleman he had nothing to do; he could not tell how it might be disposed of; for he had not the gift of prescience

which the hon. Member for Weymouth had attributed to the hon. Member for Finsbury, when the hon. Member said that the hon. Member for Finsbury was excused for the language he had used in reference to the right hon. Baronet last night, on the ground of the language used by the hon. and learned Member (Mr. J. S. Wortley) that evening. The other hon. Member for Finsbury (Mr. Wakley) had construed the words of the right hon. Baronet (Sir R. Peel) most unfairly. The right hon. Baronet, in his speech of the other night, argued that he should be guilty of perjury if he transgressed the limits within which alone the Government had obtained Her Majesty's permission to reveal what they knew on the matter. The hon. Member had stated that a most inexcusable use had been made of Her Majesty's name; but the right hon. Baronet, in saying what he did, no doubt meant that the permission of Her Majesty was granted on his responsibility as Minister. The term "Crown," used by the right hon. Baronet, meant the responsibility of the Ministry, and not anything personal to Her Majesty. When the hon. Member (Mr. Duncombe) first opened his case, he sympathised, he must confess, in much that the hon. Member said; but, though he knew that the vote he was about to give would be unpopular, and might be very ill received by many whose opinions he most dearly valued; and though he never had been treated with any superabundance of civility in the discharge of his duty by the Ministry, as he had never been encumbered by their help; still he was not in the habit of considering which side he should please in the votes he should give; he only sought to do his duty, and he would say that he never had given a vote more heartily than he should give to-night against the proposition of the hon. Member. The hon. Member had said that the right hon. Gentleman (Sir J. Graham) sheltered himself under his official position; but the right hon. Gentleman was not the only person who took advantage of that official position, for the hon. Member shot those shafts of his from behind the shelter of the right hon. Gentleman's official position. The hon. Gentleman's answer was, when called to order by Mr. Speaker, "I have shot the shaft under the shelter of the right hon. Baronet's official character; it shall remain, and in

his heart it shall rankle." The hon. Member for Kendal (Mr. Warburton) had informed the House that he had gone into the Common Law authorities for the practice; and the truth seemed to be that the hon. Gentleman in that process had sunk into those depths of antiquity from which he had never emerged, for his whole speech was a hymn *de profundis*, and to him profoundly unintelligible. The other hon. Member for Finsbury (Mr. Wakley) stated that there was certainly no Common Law, and he doubted very much whether there was any Statute Law to sustain the practice. But he stated that the Statute Law recognized the custom. That custom must therefore have had a previous existence, and that must have been by the Common Law. The hon. Member had compared the practice to the case of a magistrate entering a man's house, and ransacking his drawers, and opening his most secret repositories; but the case was in no respect parallel. A magistrate could allege neither Statute nor Common Law, nor the long practice of his predecessors, to authorize such a proceeding; while the right hon. Baronet could show the example of his predecessors for 200 years, as well as that of the noble Lord (Lord J. Russell) opposite, who preceded him at the Home Office, who all pursued the same practice in the same manner. The Motion of the hon. Gentleman, if carried, would be of no practical benefit; if it had any effect at all, it would only be to charge the Committee with evasiveness, and the right hon. Gentleman (Sir J. Graham) with a character which he was sure the hon. Gentleman by this time was sorry to have attributed to him. Indeed he had no doubt that the hon. Gentleman, before the debate was over, would retract those expressions, and that character which he had applied to the right hon. Gentleman. The hon. Gentleman now seemed to rest his case entirely on the question whether the Government had opened his letters or not. He would tell the hon. Gentleman frankly that he believed the Government never had opened his letters at all. At any rate the House had not the slightest proof before them. How did the hon. Member know it? He said he had evidence. Then he had nothing to do but to bring that evidence to the Bar of the House, or before a Court of Justice. In either place the witnesses would be obliged, in their own justification, to put in the warrants under

which they acted, and then the House would have something with which they could deal. If the hon. Gentleman had proposed to modify the Statute or the Common Law on this subject, he should have given the Motion his serious consideration; but while the existing law was in force, he could never consent, on grounds so unsatisfactory as had been brought forward, to vote for a Motion which would have such serious consequences as this.

Mr. C. Buller said: I think, Sir, the most superfluous sentence I ever heard in this House—and that is saying a great deal—was the closing sentence of the speech of the hon. Member for Weymouth (Mr. Bernal), which consisted of a vehement exhortation to the Member for Finsbury not to relax in his efforts with reference to this subject; for I think experience has shown us that if any man is unlikely to relax his efforts—especially in such a case as the present—it is that hon. Gentlemen. I may, perhaps, break in a little upon the gravity of this debate; but I declare that, after the consideration I have given to the subject, I can scarcely look very gravely upon the question as now presented to this House. That there are very grave questions connected with it there cannot be the slightest doubt; and in this respect I think the House responds to the feeling of the country. That the existence of this power in the hands of Ministers is a matter for grave consideration to every man in this country will hardly be doubted; but, on the present occasion, I will not enter upon the discussion of that question. We have not now to discuss the policy of the law as it stands; although upon that subject no man can entertain a stronger opinion than I do. I think the power as worthless as it is inconsistent with the security of our liberties, with our domestic comfort, and with our national morality. I put aside, then, that grave question. And now the only question is—admitting as I fully do that Ministers have clearly proved that they are not to be charged with the invention of a new power—that they have acted according to the precedents of their predecessors in exercising this power of opening letters—the only question before us is, whether they have exercised that power in an honourable and discreet manner. I must confess that, till yesterday, I felt very deeply and very painfully upon this subject. I did regard some of the

imputations thrown upon the conduct of Government with respect to the use that had been made of the letters of unfortunate exiles in this country, and the consequences which were said to have resulted from the abuse of the secrecy of the Post Office, with the same horror which, I declare in perfect sincerity, I should have felt, if such an accusation had been made against those hon. Gentlemen with whom I have been in the habit of sitting in this House. I am, however, happy to say that the answer of the right hon. Baronet opposite relieved our minds of the most painful suspicion as to a particular person. I think, then, the matter may be resolved into the one question as to the opening of the letters of the hon. Member for Finsbury (Mr. T. Duncombe); and I must say I think this is a question, well deserving the attention both of the hon. Member whose letters have been opened, and of this House. The noble Lord, the Chairman of the Committee, was pleased to say that nothing but a prurient curiosity led to the agitation of this subject. I am not very curious, but I certainly think one of the most justifiable questions I could ask any man, if I suspected him of opening my letters, would be—"Pray, Sir, did you open my letters?" I don't think that would be an idle question. I conceive that a man's letters ought not to be opened; and that, if he finds they have been opened, he has a right to an explanation. I think, also, that the public have a deep interest in this matter. The secrecy of the correspondence of Members of Parliament is of great importance; first, because we are the representatives of the people, and therefore our correspondence may turn on matters of great public interest; but chiefly because, if our privileges are not specially guarded, the Members of this House are persons the confidence of whose correspondence would be most readily violated by an unscrupulous Government. On all accounts, therefore, the House ought to regard this as a very important question. For myself I can say that the question does not very materially concern me; though I won't say with the hon. Member for Oxford (Sir R. Inglis) that I don't care whether the Government see all my letters, or all those that are addressed to me. I believe that if the Government read my letters, they will know more than many of those to whom they are addressed. Therefore I

don't treat the matter personally; but I trust the House concurs with me in this modest assumption on my part—that, at any rate, the question as to opening letters of Members of Parliament is worthy of their consideration. I must say I think that, when this simple question was raised—when the very justifiable curiosity of the public and of the House was excited on the subject, everything would have gone right if the right hon. Secretary of State for the Home Department had been able to give a civil answer to a very plain question. The right hon. Baronet (Sir J. Graham) was asked whether he had opened the letters of my hon. Friend (Mr. T. Duncombe), or whether they had been opened under his orders? There was no great use in any disguise on the part of the right hon. Baronet. He says he stated all the circumstances before the Committee; they knew all about it. Secrecy, therefore, was not in his power; if the Committee had chosen to give us any information on the subject, they could have done so. But the right hon. Baronet really has a morbid passion for unpopularity, which he does take the most unjustifiable means of gratifying. One would think the right hon. Baronet gets enough of it without going out of his way to obtain more. One would think there was no necessity for his courting any unnecessary unpopularity. But when this question was asked, instead of simply answering it—a course which would have ended all discussion on the subject—the right hon. Baronet puts on the air of Socrates before his judges: he assumes the tone of injured innocence, and declares that his public duty will not allow him to reveal a secret, and that no force shall extort it from him. I don't think the right hon. Gentleman was right there. I believe we shall get at the secret. I think I can back the hon. Member for Finsbury (Mr. Duncombe) for getting the information we want. The right hon. Baronet has tried this scheme before; he has assumed precisely the same tone; he has declared the same determination, on the ground of public duty, not to make any statement or answer any question on the subject. The consequence of this declaration was, that the hon. Member (Mr. Duncombe) stuck to the right hon. Baronet; he obtained the Committee of last Session; and the subject he mooted was fully explained in this House. I must say—adopting the tone now generally taken

by hon. Gentlemen on this side the House—as a sincere friend of the Government—that the right hon. Baronet would have spared himself a great deal of anxiety and trouble, and have spared this House a great deal of unnecessary talking, if he had done at first what I am convinced he will eventually be obliged to do. I must say I am surprised at the course pursued by the right hon. Member for Tamworth (Sir R. Peel), for I thought he would have acted more sensibly under such circumstances. I did not suppose he would have taken the matter in dudgeon, but that he would have come forward and have said to the right hon. Home Secretary, “The Gentleman asks you a civil question, why don't you give him an answer?” But this was not done. In fact, I think the right hon. Baronet the First Lord of the Treasury made the matter worse by his speech. He went into a long explanation of the difficulties of the Government, and of the heavy responsibilities to which they were subjected; he described the dreadful scenes that occurred in 1842; he urged the great necessity of their exercising, in such an emergency, all the powers with which they were invested; and he read in support of his statements passages from the speeches of the hon. Member for Wolverhampton, and other Members of this House. The right hon. Baronet taunted us the other day with not recollecting what occurred in 1735. Now, I do remember that, in 1842, when all those dreadful statements were made on this side the House, the right hon. Baronet (Sir R. Peel) said they were highly exaggerated; that the danger was not so great as it was represented to be, and that we might go to our grouse-shooting and our duties without any alarming apprehensions. But, now the right hon. Baronet comes forward and tells us, that at the period to which I refer, the most fearful machinations were in progress in this country. And why does the right hon. Baronet tell us these tales? Was there any necessity on that account for opening the letters of my hon. Friend the Member for Finsbury? Why! could any body read the speech of the right Baronet (Sir R. Peel) without inferring there were grounds for supposing—I will not say that the hon. Member for Finsbury was implicated in those proceedings, but—that his correspondence would throw light upon these horrible machinations? The right hon. Baronet

has said that one dreadful plot was concocted by young children to stick little pins into bits of work. The right hon. Baronet (Sir R. Peel) even quoted a passage to this effect. Now, did the right hon. Gentleman suppose, that intelligence of this dreadful plot was conveyed by these children to the hon. Member for Finsbury? I certainly cannot understand why the letters of that hon. Gentleman were opened, unless you imagined he was engaged in a diabolical league with these little children. I consider that the speech of the right hon. Baronet really makes out a case which necessitates inquiry; and I can't help thinking, that when the right hon. Gentleman comes soberly to reflect upon the matter, he will be of opinion that he would have acted more prudently if he had not alluded to this subject. But the right hon. Baronet (Sir R. Peel) has started a new difficulty; the name of the Queen has been introduced into the discussion. The right hon. Baronet says, that the evidence given before the Committee was given by Privy Councillors, who were compelled to ask Her Majesty's permission before they could tender such evidence; and that this evidence could not be published—which I must say would be by far the simplest way of settling the matter—without Her Majesty's leave. Now, what is the meaning of "the Queen's leave" in this case? I take it for granted, that if Her Majesty's leave were asked on such a subject, she would, as in all similar cases, consult Her responsible advisers as to the course to be pursued, and that by their advice she would be guided. If, therefore, the right hon. Baronet's mouth is hermetically sealed with regard to this question, we must suppose that he has induced Her Majesty to withhold Her permission from the publication of this evidence. I can't understand why Her Majesty should object to such publication. Indeed I should think Her Majesty would feel that the right hon. Baronet's popularity was one of the great bulwarks of Her Throne, and that Her Majesty would not wish to prevent him from giving a simple explanation on such a subject as this. I think, therefore, this difficulty may be got over, if the two right hon. Baronets opposite choose. Now, what do those right hon. Gentlemen gain by their silence? Do they clear the character of the right hon. Home Secretary in the eyes of the country? Do the people say, "It is clear, from what

has passed in the House of Commons, that Sir James Graham has not opened these letters?" I think the public are of a contrary opinion. But if the right hon. Baronet had said, "I never did open these letters," the people would have been satisfied. I don't know what may be the taste of that right hon. Baronet for this kind of suffering; but I don't think, when, night after night, he is subjected to this ordeal, he can be very comfortable. I don't wish to say anything that can hurt his feelings; but I must state that I never knew him to get into any contest with the hon. Member for Finsbury, from which he did not come worst off. The right hon. Baronet is a stronger and bigger man than my hon. Friend; but there is a "knack" and a perseverance about the hon. Member for Finsbury which enable him to bring the right hon. Gentleman into the dirt. Don't let hon. Gentlemen understand, from anything I have said, that I am going to adopt a tone of virulent attack upon the right hon. Baronet. I certainly am not disposed to do anything of the kind; but I do say, that the right hon. Baronet has placed himself in an exceedingly unpleasant position, and I think it would be much better if these altercations were ended by his stating to the House what the House has certainly a right to know. I must say I think some blame attaches to the Committee in this matter. I think they would have spared us a great deal of trouble if, considering that this question was raised last Session, they had, when the evidence was before them, satisfied our very just curiosity on this subject—if they had not told us quite so much about Edward the Second and the Commonwealth, and a little more about the opening of letters at the present time. I should have been very glad if this matter had been allowed to end with the suggestion of the hon. Member for Montrose—if the evidence of the right hon. Baronet (Sir J. Graham) had been laid before this House, or at all events such parts of it as related to the matter in question. As that course has not been pursued, I shall feel it my duty, if no other proposition is made, to vote for the Motion of the hon. Member for Finsbury; but if such an Amendment as has been suggested is brought forward, I shall give it my support.

Mr. S. Herbert said: I wish not to delay this debate beyond any reasonable time, because I think, as far as it has

already proceeded, certainly on the first night when it was commenced, neither the Motion, nor the speech in which it was brought forward, nor the manner in which the proposal was received, was creditable to the feelings of this House. I have observed, with great satisfaction, that the effect of the explanations which have been given, has been to remove most completely the doubt and misconception which prevail on some points, and to absolve the Government from those charges of bloodshed which were gravely advanced against them; and that many gentlemen who have spoken from the other side of the House, though more or less questioning the manner in which this power has been exercised, and the policy of its continuance, have yet spoken in a manner creditable to themselves, because evincing a generous spirit towards an individual placed in a situation of great difficulty and embarrassment, such as that in which the right hon. Baronet (Sir J. Graham) at present stands. I allude particularly to the speech of the hon. Member for Sheffield (Mr. Ward); for it was not only the speech of an able man, but of a generous opponent. Though I conceive that the principles which that hon. Gentleman enunciated, and the length to which he carries those opinions, are more extreme than would be approved by a majority of this House; yet I think the spirit in which he spoke, and the view he took of the position in which the right hon. Baronet is placed, were most creditable to him as an opponent. It is to be observed, that the further we get in this debate, the more completely the Motion now before the House is disowned. Every hon. Gentleman who has spoken on this subject concludes by saying that there is something in the Motion to which he cannot give his assent; and I am still more surprised to find that the proposals of modification which have been made, render the Motion even more objectionable than it is in its original shape. The first objection taken to the Motion by the right hon. Member for Edinburgh was this:—he said that he could not impugn the conduct of a Committee composed of honourable men, appointed by and possessing the confidence of this House, and who had discharged their duties in strict accordance with the instructions they received. But how does the right hon. Member propose to avoid this difficulty? He supports that part of the Motion which impugns the decision of the Committee, since he proposes to re-

open the question which that Committee has already determined. The Committee, as I understand, were required to give their consideration to two important questions. They were first to inquire in what manner this power had been exercised by the right hon. Baronet (Sir J. Graham); and they were also to consider how far it was politic and expedient that such power should be continued. Upon the first they gave an opinion; upon the second they did not. Now it must be recollected that there is no new matter now before the House which was not before them when the Committee was appointed last year. When the hon. Member for Finsbury brought this subject before the House, he complained that the letters of sundry foreigners had been opened under circumstances which he detailed; and he added, "My own letters have been opened, and I am in a position to prove it." The House agreed unanimously, without any division, to the appointment of a Committee, and they unanimously decided that the proceedings of that Committee should be secret. The noble Lord the Member for the city of London (Lord John Russell) strongly urged the importance of secrecy, lest facts of importance might be divulged to the detriment of the public service, and the noble Lord stated that, unless the Committee was a Secret Committee, the witnesses could not make that full and free revelation which was essentially necessary. Have any circumstances since occurred to render the House desirous of recalling that decision? Then, as to the constitution of the Committee; it was composed, as has been already stated, of nine Members, five of whom were political opponents of the Government. Had those Gentlemen expressed an unfavourable opinion of the manner in which the power was exercised by my right hon. Friend previous to their appointment to the Committee? Not at all. Every one had spoken the other way. I can't conceive a Committee of which the composition could have been more perfectly unexceptionable. It consisted of nine men of the highest honour and integrity! You can assert against them no possibility of bias—no inducement for leaning to one side or the other, that should entitle any one to pay the less respect to what they say. The right hon. Gentlemen opposite, the Member for Dunbarrow (Mr. Sheil) was, I think, the first to object to the Committee, because there was no lawyer upon it. It is, perhaps,

very natural on his part; and he said, if there had been lawyers there, witnesses would have undergone a more stern and strict examination, and a close cross-examination might have tortured from them more than they might otherwise feel inclined to tell. If that opinion be true, then it is somewhat remarkable that the verdict given by the Lords' Committee, which had the advantage of having amongst them some of the most distinguished lawyers of the day, and had the power of examination upon oath, was, if possible, a more ample acquittal of the right hon. Baronet than that given by the Committee appointed by this House. The right hon. Gentleman the Member for Edinburgh (Mr. Macaulay) said, he did not at all understand for what reason certain changes had been observable in the composition and regulations of the Commons' Committee, unless the whole object of it was to exclude the hon. Member for Finsbury from the Committee. But I think he was mistaken there; because if you look at the two Committees, differing with regard to lawyers; differing, too, with regard to persons that held office, you will find that in this one point they both agreed, namely, that in neither case was the prosecutor admitted. Lord Radnor, indeed, proposed that he, being the accuser, should not himself be judge likewise, from a mere sense of decency. Now, I would ask the House, having seen how this Committee was formed, to recollect what the verdict was. I need not again read it, it has been so often quoted in this House; but it really is impossible to conceive an answer more complete to the allegations that have been made. We have been told that there is new matter, and that we must have a fresh examination and more information. How can there be more information? The noble Lord who held office before made a full revelation to the Committee of all he knew. The right hon. Baronet the present Secretary of State confirmed the statements of his predecessor, and the fullest information has been given. "If so," says the hon. Member, "why was not the warrant issued for the examination of my letters reported on?" But we have no knowledge of any such warrant; we know nothing about it—no one does. The whole thing is founded upon a guess of the hon. Member's, for the accuracy of which he offers no proof. ("Yes he does.") The hon. Gentleman said further, that in the case of Mr. Mazzini, he knew that the right hon. Baronet

fabricated the warrant after the act had been committed. The right hon. Baronet must at any rate know, but he denied it; but perhaps you do not believe him. I do. For he states upon his honour that he did not. The hon. Gentleman says that he knows it. [Mr. Duncombe: I never said so.] I am exceedingly glad that the hon. Member denies that he ever said so. I rejoice that I was mistaken. To return to the alleged new matter for inquiry. Why! the statements of the hon. Gentleman were made before the Committee of last year. The right hon. Baronet has stated on his honour that every warrant he had signed was given to that Committee, that he assigned a reason for and justified every case in which a warrant had been issued. If, therefore, any warrant have been issued against Mr. Duncombe's letters, that warrant has been examined by the Committees: the reasons for its issue have been laid before them, the justification for its issue was made to them, and what has been the result? Why, that the Committee report,—

"That the power has been very sparingly exercised, and never from personal or party motives, and that in every case investigated it seems to have been directed by an earnest and faithful desire to adopt that course which appeared to be necessary, either to promote the ends of justice or to prevent a disturbance of the public tranquillity, or otherwise to promote the best interests of the country."

[Mr. Duncombe: That is the Lords' Report.] I am going to read the result of the Commons' Report too. This is it:—

"With regard to the other class of warrants, though there have been some few issued by different Administrations that have been in power during the last twenty-two years, in regard to which it is obvious that, on a subsequent review of the facts, a difference of opinion might arise as to the discretion exercised in each particular case; yet your Committee see no reason to doubt that the conduct of the Secretaries of State belonging to each of those Administrations has been guided by no other motive than an anxious desire to preserve the public peace, with the maintenance of which they were charged."

I must say that, after a full trial before a Committee appointed unanimously by this House, and this too with the full confidence of this House, it is hard, because the verdict has been an acquittal, that it is to be invalid. The hon. Gentleman, no doubt, was not so anxious for a Committee that would investigate the truth. He has, I say, pursued this matter with

a degree of animosity and violence that appears as if he desired rather to gratify personal dislike than to elicit truth. What is his conduct now? Does he say, that he advocates this matter for the public good, because he thinks that the power is dangerous—not fit to be exercised in a free country—incompatible with the liberty of the subject—a power, the evils and disadvantages with which it is fraught are so great, that no amount of political gain can counterbalance them? Not at all. But he asks again for a Committee to inquire into cases that have already been decided on. There is no attempt to do away with the law except one insignificant paragraph at the end of his Motion as to an inquiry whether it should be continued. What, then, is the Committee for? What evidence do you want, to know that it is a grave thing that the correspondence of the country should be tampered with; that private family secrets should be known? You can't want evidence to learn that. The hon. Gentleman can't want evidence, because he has denounced the practice; if he does want evidence he must have formed his conclusions upon insufficient grounds. He asks it, I say, as a means of attack upon the right hon. Baronet, who stands in a defenceless situation—with his hands tied—liable to have provoking questions put to him which he is bound not to answer. The hon. and learned Member for Liskeard said, "Why, the Gentleman asks you a civil question, why can't you give him a civil answer?" A question couched in language, in which occurred, amongst others, the words "base-ness and meanness,"—and he complains that that civil question was not answered with that readiness and civility that it deserved. Then, he thought it necessary that the Secretary of State should answer "No," if he had not issued his warrant against the letters of the hon. Member for Finsbury. But what a system would that be to adopt! Suppose ten men suspected that their letters had been opened; to nine the right hon. Baronet answered "No," but the tenth he refused to answer. Then, indeed, the natural inference would be that the letters of the tenth had been opened; but that was not the system adopted by the right hon. Baronet—that was not the inference to be drawn here. If hon. Gentlemen do not consider that the power at present exercised is one suited to the times in which we live, and that it ought to be abolished, why do they not say so? That

question has been argued incidentally with great ingenuity on both sides; and if any Gentleman would bring that forward I could understand it—it would be intelligible, because I should know that he believed it to be a great public evil. But that is very different from re-opening the present cause to try my right hon. Friend over again. The noble Lord the Member for Newark (Lord J. Manners) said that the question had been mixed up by the right hon. Baronet with that of confidence in the Government. I can't say that I recollect anything of the sort in my right hon. Friend's speech. I recollect no appeal of the kind, nor do I think that the noble Lord is borne out in what he said. I don't think that the Government asks the confidence of the House in this respect. What the Government wants is fair play. The whole question of confidence was waved, when the Government consented to grant a Committee, to keep back nothing from it, to put their character into the hands of other men, and to leave them to decide upon their acts—whether they were guilty or not. Now, a verdict of "not guilty" has been returned; and I say it is unfair, and an ungenerous proceeding, to try and rip up the case again—to attempt to bring men again to the bar, not of public opinion, but of public odium; and all for what purpose? Not to amend the law, but to gratify some personal spite. To take an opportunity to ask questions that can't be answered—to take an opportunity to strike a man with his hands tied—what a generous—what a chivalrous proceeding! No, Sir, the Government does not ask for confidence—they have been tried and acquitted. If you believe those nine Gentlemen in whom you placed your confidence when you appointed them—if you believe them to be upright, honest, and able men, who have discharged the duty confided to them, I advise you to stand by that Committee. If you think them base and dishonest men—men who have made themselves accomplices after the fact by shielding a guilty man, say so openly; ask for another Committee, and say that justice has been perverted by the connivance of Parliament; but no such an attempt is made, and I say there is no excuse at all for having the public mind again excited upon this matter—for again appointing a Committee—putting yourselves in a position to have questions put to you that you cannot answer, and drawing down, for that reason, odium upon the accused person. I feel confident that the House will not

be a party to this proceeding. The House is ready, at the call of any Gentleman, to discuss the law upon its merits; but it is not ready to say, because an acquittal has followed the trial, that therefore the verdict must be quashed. At all times ready to assert, if necessary, the liberty of the subject—ever willing to uphold the public rights—the Members of this House, I am convinced, will not lend themselves to an attempt which I can characterize as nothing but a personal and a—I was going to say “cowardly,” but I will not—nothing but a personal and an invidious persecution.

Lord *Howick*: In common, Sir, with every one who has heard it, I have listened with great delight to the able and powerful speech of the right hon. Gentleman who has just sat down—a speech which proves how valuable an acquisition he will be to that Cabinet which for the first time since his connexion with it, he has now come forward to defend. But able as that speech was, I do think that it should succeed in inducing the House to pass by altogether the subject that has been submitted to our notice. I agree with my hon. Friend the Member for Edinburgh, who said that though there were in his opinion decided objections to the Motion as it now stands, yet that there were ample grounds for an inquiry. Throughout the debate so many hon. Gentlemen have expressed a similar opinion, that I think the question should be confined to that point; therefore, as I share in the opinion of my right hon. Friend, I shall take the liberty before I sit down of submitting an Amendment, of which the object will be to narrow the inquiry. I take that course very much on the grounds stated by my right hon. Friend. I think with him that it is a decided objection to the Motion of my hon. Friend that, whether designedly or not, it does undoubtedly imply some blame on the Committee of last year. I for one see no ground for any imputation—I see no reason for doubting that that Committee has ably acquitted itself of the task imposed upon it by the House. I think another decided objection is, that it calls upon the Select Committee to give judgment upon a point which the House only is capable of deciding, namely,—whether the existing law and practice on the subject should be continued or not. I agree with my right hon. Friend that there is no need for further information upon

that point, for that is for the House to decide; and I, like him, am prepared to join in condemnation of that practice as it has prevailed for at least the last 200 years. I do not wish to deprive the Secretary of State of the power in the case of grave emergencies of opening letters when it may be absolutely requisite for the maintenance of peace; but I do object to the practice of re-sealing letters so opened, and of defacing the post-marks which they bear, in order that the parties to whom they are addressed may be ignorant of the scrutiny that they have undergone, so that parties may be allowed by Government to correspond, perhaps for months, believing that they are acting in secrecy, or, at least, that they are only conveying their private thoughts to each other, whilst, all the time, the Government is obtaining copies of all that is written and received. That is a system which I do think looks like trickery, treachery, and deceit. I don't impute that to one Government more than another. All have partaken of it. Till our attention was called to it by my hon. Friend, I believe that all Governments have followed in the beaten track, without reflecting how erroneous that track was; but when it comes to be more generally known, I am persuaded, say what you will, that you will never satisfy the moral sense of the country without abandoning this system. I believe, with my right hon. Friend, that whatever temporary advantage we may obtain by its continuance, no such advantage can compensate for the stain inflicted upon the character of a nation and a Government where this practice is adhered to. I believe, that for all really useful purposes, the power of opening the letters and then forwarding them with a stamp of ‘opened by authority’ would be amply sufficient. Such a power would completely guard against the danger that my hon. Friend the Member for Sheffield (Mr. Ward) alluded to in his able speech; viz. that those who were known to be traitors might avail themselves of the Post Office, in order to carry on their correspondence with security. I believe that that danger would be entirely met by the plan I propose. What I condemn is the continuance of that practice of secrecy which has hitherto prevailed; and I hope before this Session is brought to a close, that my hon. Friend the Member for Finsbury will follow up the work he has so well begun, and pro-

pose a Resolution to stigmatize and for ever put an end to what we ought to get rid of. No Act of Parliament seems to me necessary for this purpose; because, although it may fairly be contended that the language of the Statutes recognizes, at least, if it does not directly convey to the Secretary of State, the power of causing letters to be opened; this cannot be said of the practice of concealment. I cannot find anything in our Statute Books which in the slightest degree recognizes the propriety of the system of opening letters, forging the seals, and replacing the post mark. It is condemned by public opinion, and if to that were added the stigma of a Resolution of this House, throwing no blame on the present or on any antecedent Government, but, condemning such things for the future, I am persuaded there would be no danger of a repetition of the practice. Believing that further information is not necessary on this point, I object again on that ground to the Motion of my hon. Friend. But then the question relative to my hon. Friend's own letters has not been reported on by the Committee of last year. That is a question of more serious importance, which I do think requires every elucidation. My hon. Friend has distinctly stated that the letters addressed to him had been opened at the Post Office, and he stated that he would make good that assertion if an opportunity were granted him. Whether his statement was correct or not, the Committee has not reported. We have no means of knowing whether it was before them. Blame may perhaps attach to my hon. Friend for refusing to produce his witnesses. Those are points, however, on which we can give no opinion; but we have this plain fact before us—that that allegation has been made—that it has not been denied—that it has not been reported on in one way or the other by the Committee of last year; and I think I may also add, that it is a point which requires to be cleared up, which cannot be suffered to remain in mystery. I have no hesitation in saying, if it be really true that letters addressed to my hon. Friend had been opened, in my judgment there is the strongest possible presumption of a great abuse of official power, and a serious violation of the privileges of this House. I say a strong presumption, because I am certainly not able to say that circumstances may not possibly be brought for-

ward which may justify that course. If there are such circumstances, I think they ought to be known. But I confess, for my own part, I am utterly unable to imagine any circumstances, in the peculiar nature of this case, which, in my opinion, would justify the opening of letters addressed to my hon. Friend, supposing that course to have been taken. I believe it has been admitted, even by the right hon. Gentlemen opposite, that though they claim the power, and state it to be necessary, still it is one which ought to be exercised with the greatest reserve and delicacy—a power the use of which is only justifiable by circumstances of so serious a nature that the safety of the nation is at stake. It is for the purpose only of guarding the peace and security of the country from the attempts of foreign or domestic enemies—it is only to avert dangers of this description—that the exercise of this power is admitted to be required. Now, I want to know, who is there that is prepared to assert that he believes there was anything in the correspondence of my hon. Friend of this very serious nature? I do not concur in the extreme opinions of my hon. Friend as to changes in the Constitution: much that has been said and done in support of those opinions, both in and out of this House, is very far from meeting my approbation; but, at the same time, I am sure there is no man even who disapproves much more strongly than I do of his conduct, who will for a moment suspect him of being capable of any attempt to carry his views into effect by means partaking of the nature of insurrectionary violence. No man can for a moment suspect him of anything of the sort. But the hon. and learned Member for Bute says it is not the letters written by him, but those addressed to him, that have been opened; and he gives us, as an ample justification of the Government, the idea that very likely some of those letters were written by parties under the condemnation of the law. I think that circumstance makes no difference in the case, because if those letters were supposed to contain anything throwing light upon the existence of treasonable intentions, or schemes of insurrectionary violence, Her Majesty's Government must have supposed that, unless my hon. Friend approved of such views and promoted such schemes, he was the party to give them the information necessary to

counteract the effect of any such atrocious design. It makes no difference, therefore, that it was letters addressed to him, and not written by him, which were opened by the Government. The fact that letters of this description have been opened is, in my opinion, an imputation upon my hon. Friend, which he has a right to have removed. Under the circumstances of the case, I say, the mere character of my hon. Friend affords the strongest presumption that in this case the opening of the letters was not grounded upon the strong necessity which, in the judgment of the right hon. Gentleman, could alone justify such a proceeding; and I must say, the gravity of this case is enhanced by the fact, that they are the letters of a Member of Parliament that have been opened. The hon. and learned Member for Bute and other hon. Members have made an ostentatious display of self-denying virtue by disclaiming any peculiar importance attaching to the correspondence of Members of Parliament. They say, that the rule which is applicable to Members of Parliament is applicable to the meanest individual. I think there is a very great fallacy in that argument, which I shall endeavour by-and-by to point out. The hon. Member for Bute went on to say, this is no breach of privilege, because a Resolution of this House in 1735 says it is a high breach of privilege to detain and open letters addressed to Members of this House, "unless by warrant from the Secretary of State." The hon. and learned Gentleman, who seemed to speak from a brief in the case, and every now and then to forget he was not to disclose the fact that there had been such a warrant, went on to argue there was a warrant, and therefore there was no breach of privilege. Now, admitting there is a warrant, I say there may still be a breach of privilege, because the resolution which says it is a breach of privilege to open the letters of Members of Parliament, unless by warrant from the Secretary of State, necessarily and clearly implies that it is equally a breach of privilege and an abuse of official authority to exercise that authority by the Secretary of State, unless upon sufficient reason. The whole case turns upon the sufficiency of reason. If the right hon. Gentleman had grounds of necessity sufficient to justify the issuing of the warrant, I grant there was no breach of privilege; but if there was not the ne-

cessity, I say there is a breach of privilege. I say so upon this ground, that there is this distinction between letters addressed to Members of Parliament and to individuals who are not so, that it is necessary, to the efficient discharge of our duty as representatives of the people, that we should have the fullest means of receiving from all those who think themselves aggrieved statements of their grievances; and that parties who think they have been wronged by the Executive Government should be enabled fully and freely, without the prying and inquisitorial eye of Government agents intercepting their communications, to bring their grievances under the notice of Members of this House, in order that they may, if they think the case requires it, submit it to the censure of this House. It is also necessary that Members of Parliament should be able freely to communicate with each other upon public affairs. To the proper discharge of our duties, it is absolutely essential we should be able freely to communicate by letter, without any suspicion of our letters being read by those for whose eyes they were not intended, our views upon the state of the public affairs. This, indeed, is almost as necessary to the efficient discharge of our duties, as a representative assembly, as the liberty of speech itself. It stands connected with us as a privilege, resting, as all our privileges do, upon its necessity, and only less necessary than the fundamental privilege of liberty of speech. Besides, how dangerous it is to sanction this doctrine, that Ministers are to look into the letters of Members of Parliament in cases in which they themselves are the only judges of the necessity—that Ministers are to look into the letters of their political opponents. How hard it is to draw the exact line and say how far men of strong popular opinions may go—how hard to draw the exact line and determine when the means taken by such men to oppose a Ministry are no longer intended to raise against them the force of opinion, but to bring into play force of a less legitimate description! How dangerous it is to lay down the principle that Ministers themselves are to be the judges—judges without appeal—without the responsibility of publicity—in mystery and in security upon a point so delicate as this, and on that judgment to open letters of political opponents. If I thought, with some hon.

Members, at the beginning of the debate, that a Committee was necessary upon this subject, I have thought it is ten times more necessary since I heard the speech of the hon. and learned Member for Bute. The House was not near so full then as it now; but I do appeal to those hon. Members who heard the speech of the hon. and learned Gentleman, whether that hon. and learned Gentleman did not state the doctrine of the necessity for looking into the letters of Members of Parliament, if they happened to have dangerous correspondents, in a manner which, if it receives the sanction of this House, will be liable to the greatest and most dangerous abuses. I trust you will not open the door to such abuses. Look what may happen. It would have been very possible, if it is to be held that any Gentleman who goes great lengths in advocating popular opinion and against the Government of the day becomes a legitimate object of suspicion, and his letters may be opened by the Government, that fifteen years ago the letters of the right hon. Baronet himself (Sir J. Graham) might have been in considerable danger. I remember in those days, when I was a good deal younger than I am now, and pretty eager in politics, even I, acting with the right hon. Gentleman, did sometimes think—as for instance when he made that famous speech about birds of prey—that he went a little further in directing popular passion, and not reason, against the Government of the day, than was either prudent or discreet. I am sure, his present Colleague, who was then Secretary of State, would not have exercised the power; but there have been Ministers in this country who would, in 1830, under such circumstances, when the country was in a state of serious disturbance and agitation, have thought that the correspondence of the right hon. Baronet might be well worth an occasional inspection. At an earlier period, I have no doubt, the advocate of Catholic Emancipation and of the Reform Bill would have been looked upon as no less dangerous than those who now support the People's Charter. I have no doubt that the men who supported those measures, which have since been adopted with such infinite advantage to the country, and with such general benefit to society,—that, I say, the more eager advocates of those great measures of public liberty would at one time have been considered dangerous characters;

and if the principle of the hon. and learned Member for Bute were adopted, their letters would have been inspected. We know more, that at no distant period, such abuses actually prevailed. In the days of the American war, we know that the correspondence of the leaders of the Opposition was not safe. Any Gentleman who reads the interesting correspondence of Burke, only recently published, must have been struck by the fact stated there, that the Post Office is not to be trusted with political letters; that the leaders of the Opposition cannot venture to send them; and you constantly find them saying to each other, "I have something of much importance to communicate to you, but I must wait for a safe opportunity." Burke, Rockingham, Fox, and other correspondents are continually writing to that effect. These abuses have existed, and may exist again. I object upon principle to allowing a Minister to judge when letters addressed to Members of Parliament may be opened; and, so far from thinking with the hon. and learned Gentleman man (Mr. Wortley), that the letters of persons who may have come under the censure of the law are, for that reason, to be opened and inspected, I think they ought to be more safe. I say, those persons who have, unfortunately for themselves, subjected themselves to punishment by the laws of their country, have, after they come out of prison, of all others the clearest right—if they believe themselves to have been unjustly treated during their imprisonment, or to have been the victims of oppression—to write and correspond with Members of Parliament upon the subject of those grievances, without being liable to have their letters inspected and copied by any agent of Government. I do not, at all events, suspect Her Majesty's present Ministers of any serious abuses of this description. They may have been guilty in this one instance of what I think a grave error in judgment—an error in judgment, if it has really been committed, calling for the serious notice and reprehension of the House; but it does not follow, because I have confidence in them as men of honour and character, that all future Ministers will deserve that confidence; and the first principle of the constitution of this country is, that we shall not place confidence in the men who hold the reins of executive power; that we shall not leave in their

hands powers so liable to abuse, nor give cause for the slightest ground even of suspicion of improper interference with the privileges of Parliament, which are necessary for the due exercise of our control over the Executive Government, but that their proceedings shall be watched with the greatest jealousy, and inquired into in the most searching manner. I say, therefore, that though I do not wish to make this the subject of attack upon the character of those who now hold office, it is a subject for inquiry which this House ought not to pass by. We ought to act upon the old and wise maxim that it is best to take things in time, and stop the beginnings of evil. Let us remove the mischief at the outset. Let us appoint a Committee and inquire what the facts are. Let us, by taking this course, mark our opinion that the letters of Members of Parliament are not thus to be opened. The Amendment, Sir, which I am about to put into your hands is this,—

“That it having been alleged by a Member of this House, in his place, that letters addressed to him have been detained in the Post Office, and opened before being delivered to him, a Select Committee be appointed to inquire whether this allegation is true, and if so, by what authority and upon what grounds such detention and opening of post letters has been sanctioned.”

The House will observe, that in this Amendment I do not assume the truth of the allegation. I do not in any way censure the Committee of last year. I have no reason to believe that the facts in this case were in any way before them. All I call upon the House to do is this:—it having been distinctly alleged by a Member of Parliament, in his place, that his letters have been opened, I call upon the House to ascertain whether that fact is so, and if it is, to ascertain upon what grounds this opening of letters has taken place, in order that, if those grounds shall appear to have been insufficient, we may then follow the Report up with such proceedings as may be necessary. I trust, then, that this Amendment will not be rejected; for I feel strongly convinced that if we do pass by this case without notice, we are virtually opening a door to what may prove hereafter a most serious inconvenience.

Mr. Wortley begged to explain that he had been misunderstood. What he had

said was, that the power in question was a strong and necessary one, but one to be exercised with great forbearance and delicacy, and the use of which nothing but a great occasion, and one of danger to the State, would justify; but that if such an occasion arose, he did not think a letter should be held sacred merely because it was addressed to a Member of that House.

Mr. Disraeli: I rise, Sir, to second the Amendment proposed by the noble Lord, because its intention was first shadowed forth by my noble Friend (Lord John Manners), and it received at the same time the sympathy of the House. The Amendment narrows the question which now, for the second night, we are debating; but that question has been narrowed into limits of a much simpler character by the right hon. Gentleman who last addressed the House from the Treasury Bench. The right hon. Gentleman has narrowed the question to a personal matter between the hon. Member for Finsbury and the right hon. Gentleman the Secretary of State. If that, indeed, be the real state of the question, I, for one, shall regret that I have interfered with it, and I am sure I am speaking the sentiments of my noble Friend (Lord John Manners), and of my hon. Friend the Member for Hull (Sir John Hanmer), when I express this opinion. But if it be indeed true, and I am as little inclined to credit it as some assertions equally monstrous that have been very current during this debate, it is only an additional illustration of the great truth that historians have celebrated—that often, from slight and personal causes, great benefits arise, and great principles are vindicated. Sir, the hon. Gentleman the Member for Sheffield, who addressed the House early in the evening, disclaimed any intention of touching what he calls the legal part of the question, and seemed to consider that that is not to form any material part of our discussion. I know not whether the hon. Gentleman may be right in the position which he has assumed; but we cannot forget that Her Majesty's Government have proved themselves to be of a contrary opinion, because the right hon. Gentleman the First Minister, in his complete and elaborate speech—I mean complete, because it touched upon each division of the subject both as to its legal character and its personal interest—the right hon. Gentleman has particularly argued the question upon this ground. The Secretary of State, too, has vindicated himself as having acted in pursuance of a Statute; and the right hon.

Gentleman the First Minister has upbraided us with inconsistency, because we have impugned the conduct of the Government in acting on a Statute which we have passed. I think, therefore, it is out of the question, that we can pass over this consideration which the hon. Member for Sheffield has called the legal part of the question, and into which, if I infer rightly from his speech, he considers that it does not belong to the House of Commons to inquire. I have always, when questions of Parliamentary privilege have been brought before the House, been among those who have looked with no disrespect to the claims of Westminster Hall; and I believe my name will be found in the smallest minority that ever divided this House in favour of the claims of the Courts of Law as supreme and supereminent; but I must confess it is to me a novel, and I apprehend a somewhat dangerous, doctrine of the hon. Member for Sheffield, that a point of Constitutional Law is foreign to the discussions of the House of Commons. It would be well to observe how the question of general warrants bear upon this case. Why, Sir, the difference, the only difference, between the present case and that of general warrants, as to the power possessed by the Secretary of State, is this, that with regard to General Warrants, the power of the Secretary of State was created by a positive Statute, and by the authority of that Statute was exercised. The only fault of the Minister was, that he continued to exercise that power when the term of that Act had ceased. But no person has ventured to say that the power, the exercise of which is the subject of the present complaint, is created by a Statute. The right hon. Gentleman the Secretary of State (Sir James Graham) says, he has acted under the authority of a Statute, but the right hon. Gentleman has not put his finger on that Statute. The right hon. Baronet at the head of Her Majesty's Government said, that they exercised the power they possessed by Statute, but the right hon. Baronet has not put his finger on that Statute. It is true, reference has been made to a Statute of Anne, in which there is allusion to a warrant of this description by a Minister of the Crown. But the very terms in which that allusion is made, would, if inquired into, prove the want of legislative sanction. It is language copied from a Proclamation. And why was it introduced allusively only? Sir, I think the Secret Committee appointed last Session would have discharged their duties more efficiently, if, instead of enter-

ing upon so much antiquarian research and historical disquisition, and consulting the musty Records of the Rolls, they had directed their attention to something nearer their noses. The words in the Statute only echoed a sentence which is to be found in a preliminary Proclamation by the Crown. They would never find an allusion till the reign of Anne to any practice of the kind, or to the means by which it could be originated. And for this reason: no one had traced it at Common Law—no one would say there was any justification at Common Law for this high political Act. For the interference of a Minister of State, under such circumstances, was an act of high policy which the reason and interest of the State could only amply justify. But in the Parliament of Queen Anne, when the first Act passed respecting the Post Office, they must remember that the persons who formed that Parliament were not Members of Parliament as innocent as those which now constituted this Assembly—not men like the hon. Member for Hull, and myself, and other hon. Members, who were ignorant that this practice was pursued in the present day; but gentlemen, the sons of men who, fifty years before, had exercised the sovereign power in this country. It was perfectly natural, therefore, when they passed an Act for the creation of a Post Office, that an assembly which comprised a son of Hampden, and descendants of Eliot and Vane, and others, whom the traditions of their families and of that assembly had made acquainted with all the secret practices of the Government, should take care that the warrant of a Secretary of State should be mentioned, and for this especial reason to prevent any tampering with the Post Office by the Crown. They knew it was a safeguard to them, they knew it would prevent courtiers from interfering with correspondence, as they often did, by enacting that the warrant of a Secretary of State should be the only authority by which a letter should be detained; but they did not make this warrant a sufficient answer to the injured individual. The Secretary of State kept back the letter on his own responsibility. The hon. Colleague of the hon. Gentleman who brought forward this Motion, asked what was meant by the responsibility of a Minister, and said, it was a phantom, a shadow, that no one understood what was meant by it. He was told the hon. Member for Weymouth had, in his absence, followed up the same train of ideas.

The responsibility of a Minister, they told us, was a phantom—a farce. So it is, if we are speaking of the political responsibility of Ministers—responsible to a majority called together under their influence—dissolved at their will. That may be a phantom—a farce; but the responsibility of a Minister, under the circumstances we are discussing, is altogether of a different character. It is precise, defined, complete; and what is that responsibility? It is a responsibility to the laws of England. In the case of the general warrants the House supported the Minister; as it seems inclined to support the Minister now, in the Post Office warrants. But what occurred? Those general warrants were issued under a Statute of Charles II., which expired in the reign of Queen Anne; and yet every Secretary of State, except Lord Bolingbroke, issued those warrants till 1763. The House supported the Minister; the injured appealed to the Courts of Law, as they may, perhaps, appeal now. There was the famous case of “*Money v. Leach*.” The verdict was given for the plaintiff; the Judges decided against the Minister; and the House of Commons that had supported him met the day after the verdict, and voted unanimously that general warrants were illegal. Well, that was responsibility; the case is analogous—the instance parallel. And now, Sir, before I approach the more delicate—the personal question—I would clear the subject of the foreign part of the question. I understand the Government has cleared itself to the satisfaction of the House entirely on this head. For my part, such an exculpation was not necessary. The noble Lord at the head of the Foreign Office, accurate as he is in the discharge of his duties, is a man of generous impulses; and is much more likely to have erred on the side of leniency than any other. But, even if the noble Lord had erred, who could have ventured to criticise his conduct with such a stake on the die? When that great master of analytical narrative—the Secretary of State—traced, the other night, the vast and precise consequences of the non-interception of the letter of Mr. Mazzini, all must have felt he offered a complete vindication, under any circumstances, of his Colleague. The letter sent—the solitary Colony in the Mediterranean in commotion—the invasion of Calabria, by an expedition of twenty men without arms—Italy in insurrection—the Austrians crossing the Appennines—and the French crossing the Alps—and

England, who the right hon. Secretary assures us could not have been a silent spectator in a general war, arming, and in motion—and all prevented by intercepting the letter of Mr. Mazzini. Certainly, since the celebrated narrative of *The House that Jack built*, never was detail so consecutively precise. I disembarass myself, then, of circumstances in which the Government have not erred; and in which, had they erred, the House would certainly have not decided against them with rashness. I have touched on the legal part of the case, on which the First Minister founded half his reply; and I come now to the political circumstances and considerations which formed the second head of his defence. The right hon. Gentleman will pardon me for observing it, but he displayed on that occasion an unusual warmth. I am aware that it by no means follows that the right hon. Gentleman felt it. The right hon. Baronet has too great a mind, and fills too eminent a position, ever to lose his temper; but in a popular assembly it is sometimes expedient to enact the part of the choleric gentleman. The right hon. Gentleman touched the red box with emotion. I know from old experience that when one first enters the House, these exhibitions are rather alarming; and I believe that some of the younger Members were much frightened; but I would advise them not to be terrified. I would tell them that the right hon. Baronet will not eat them up—will not even resign; the very worst thing he will do will be to tell them to rescind a vote. The right hon. Gentleman favoured us with his views of the question, legal and political. I don’t wish to compare small things to great, but it is not very long since the House was favoured by a Gentleman from the sister country with a speech in favour of the Income Tax, which occasioned considerable comment and a Motion. Now, had it not been for the speech of the right hon. Gentleman, I will not say that we should not have had the Motion of the hon. Member, but I have a great suspicion that we should not have been favoured with the Amendment of the noble Lord the Member for Sunderland. But after the speech of the right hon. Gentleman—after he assured us that in 1842 the country was in a state of great commotion—after having told us of the heavy responsibility which then devolved on the Government—after having read evidence which, at the time, did not receive the credit it has since obtained—after

the right hon. Gentleman had, in fact, more than intimated that it was possible that even Members of Parliament might have been guilty of "privy conspiracy and rebellion," it seems to me quite impossible that the question could have been left as otherwise it might have been. I know that my hon. Friend, the Member for Hull, (Sir J. Hanmer) intended, when this question was originally brought forward, to support the Report of the Committee,—he certainly did not actually pledge himself to do so, but he had at that time a very great bias in its favour. But after the distinct assertions of the hon. Member for Finsbury, that his letters had been opened, and that dishonour had been cast upon himself and his constituents, we, who possess feelings and have duties to perform—duties similar to those of the hon. Member for Finsbury, did consider this a matter which could not possibly be passed over without inquiry. Of the right hon. Baronet the Secretary of State I know nothing but honour, and have experienced nothing but courtesy. I have, I repeat, no personal feeling against the right hon. Baronet. I should think no one on this Bench had any personal feeling against the right hon. Secretary. The personal feelings which do exist in this debate, as mentioned by the right hon. Secretary at War, are a Cabinet secret. That right hon. Gentleman says, that we are called upon to inquire into the same case as was brought forward by the hon. Gentleman when he first asked for a Committee of Inquiry. My memory leads me to a different impression. I remember the hon. Gentleman saying at that time in a tone of jocularly, that he durst say that the right hon. Gentleman had opened his letters; but the very tone of the hon. Gentleman proved he did not for an instant believe it. There was, in fact, no idea then in the breast of the hon. Gentleman, that his letters had been opened. That ground of defence on the part of the Government consequently fails. The hon. Member for Buteshire has made an appeal to our hearts. He must have been thinking of the juries whom he controls with his commanding eloquence. Members of Parliament have no hearts; but when he lays down as a principle that there is no difference between the individual who is the representative of a popular constituency and one of his constituents, I think he takes a position which is by no means tenable, which is not constitutional, which is not legal, which is opposed to all practice and to the spirit

of this House, and which I am sure is odious and obnoxious to the country. I agree with the hon. Member for Sheffield, that the correspondence between a Member and his constituents is one of the most delicate subjects which a Government can interfere with. A Member of Parliament is a sort of political confessor; and even if one of his constituents were to consult him about a conspiracy, it is better that he should be dissuaded from the step by his representative than have his letter opened by a Secretary of State. The right hon. Gentleman at the head of the Government will not, I am sure, be offended at our giving an independent vote on the present question, upon whatever side of the House we may sit. The Secretary at War says that it is not a question of confidence. Nor does any one seem to think that it is. As for the First Minister, he is superior to all parties—he governs by pure reason, not by party. With regard to the Secret Committee, we know it consisted of Gentlemen whom we all respect, and we believe that they performed their duty; but we regret that the House did not animate them to do more than they did. The circumstances brought before us at the time, though not in the shape of the original Motion of the hon. Member for Finsbury, were deeply interesting to the country; and we might under such circumstances, to use a common expression, have "hit the nail on the head." It is useless for a Minister of the Crown to say, "The Committee gave us a verdict." Nobody accuses the Minister. But something has happened which has put us for a moment behind the scene, and led us to think that the manner in which the play is managed is not the most advantageous to the public. What happened to the right hon. Gentleman might have happened to another Minister; and if it had I hope, the question not being a party one, that at whatever side of the House we sat, we would have done our duty. We are in the third year of a Walpolian Administration; for Gentlemen before me remain seventeen years of opposition, and for us the gratification of seventeen years of support. Party feeling is extinct; and if we find a great injury and injustice to the public exemplified in an instance of one of ourselves, let us not hesitate to come forward and take advantage of existing circumstances to put an end to it. The hon. Gentleman opposite has made an accusation—a very distinct and definite accusation. As far as I am concerned, I should never wish

to see an accusation of the kind partake of personal acerbity. We, however, know nothing about that; we only suppose the hon. Gentleman is irritated at having his letters opened. I will not go as far as the hon. Baronet the Member for the University of Oxford, and say that the Government may open and read all my letters; but this I will say, that they may open all my letters, provided they answer them. The Amendment which the noble Lord has proposed, seems to me to meet the exigency of the case. I am quite persuaded that Her Majesty's Government will, on consideration, feel that it is no defeat, no discomfiture, on their part to accede to that Amendment. It is not brought forward in a hostile spirit, as they may consider the Motion of the hon. Member for Finsbury. It is not brought forward in a hostile spirit; and, as far as I am concerned, it is not supported in a hostile spirit. We are making no attack upon the Government. [Sir R. Peel: Hear, hear.] Very well. I don't know what the right hon. Gentleman means by his sarcastic cheer. Does he mean to say that the correspondence of the hon. Member for Finsbury is of a nature dangerous to the State? Does he mean to say that letters have been written to that hon. Gentleman by persons who have been implicated in designs against the State? Does he mean to say that that is the ground upon which he would oppose the proposition before the House? Because, if he does, I can only say, that the Chief Minister of this country is often in correspondence with a gentleman who has been implicated in designs against the State. I have heard the right hon. Gentleman himself get up in his place in this House and say that person was his friend, and that he was proud of his friendship. Yes! one of the intimate friends of the right hon. Gentleman was concerned in Despard's plot, and now holds office in the right hon. Baronet's Administration. And now, Sir, with regard to the right hon. the Secretary of State, I repeat, I make no personal charge against him. He has done that which any Minister may have done, but which any subject of the Queen may question. In questioning it, I disclaim any personal motive. The facts are obvious and ostensible. A Member of the House has declared that his correspondence has been tampered with, and his letters opened by Her Majesty's Government, and that he is ready to prove it. Her Majesty's Government reply that they will not in-

quire. It is not the battle of the hon. Member for Finsbury. It is a contest in which every Gentleman in the House is interested—in which every subject of the Queen is interested; and you may rely upon it, whatever may be the decision of the Minister and of the House this night, like the question of the general warrants, you may oppose that which is right, just, and true; but you have the Courts of Law without, and you have a people without, who will support the laws of this country, and oppose every violation of social propriety and political right.

Vicount Sandon: In the peculiar position in which I am placed I hope I shall be allowed to state one or two points, to prevent the danger of any mistake. It has been alleged that the question before the House is one which has not been before the Committee. Now the hon. Member for Finsbury, when he first mentioned the subject in this House alluded, though certainly in a less formal mode, to the opening of his own letters. But afterwards, before the Committee, he made a specific charge to that effect, though he declined to produce any evidence in support of it. In our Report we say that we believed we had seen every political warrant that had been issued for the last twenty-two years by the different Secretaries of State. I would ask the House, then, to say whether our attention could have been otherwise than attracted to the subject of the hon. Member's letters, or whether, as seems to be alleged, that subject could be entirely new? We expressed the result of our investigation in the following terms. Referring to political warrants we say,—

“With regard to the other class of warrants, though there have been some few issued by different Administrations that have been in power during the last twenty-two years, in regard to which it is obvious that, on a subsequent review of the facts, a difference of opinion might arise as to the discretion exercised in each particular case, yet your Committee see no reason to doubt that the conduct of the Secretaries of State belonging to each of those Administrations has been guided by no other motive than an anxious desire to preserve the public peace, with the maintenance of which they were charged.”

We have therefore had the question before us: we have expressed our opinion on it; but having done so, it is certainly not for us to utter one word to prevent a re-investigation of the question, if the House, for any reason, shall so think fit.

Mr. *Rosbuck*: I shall be sorry, Sir, to go to a division on the Amendment before the House without being able to explain my feeling in reference to it, and the circumstances which shall decide my vote. I am the more anxious to do it for the strong feeling that has been introduced into the discussion of the question by various Gentlemen who have taken a part in it; and I desire at the very outset to separate myself, if possible, from every personal consideration. I wish to argue the question, as the hon. Member opposite said, upon pure reason, and to show the noble Lord who has proposed this Amendment that he would do far better to stick to the original question. When this question was first brought before the House, the hon. Member for Finsbury submitted it in very specific terms, and with the direct assertion that certain things had been done. He questioned the right hon. Baronet the Secretary of State for the Home Department, and that right hon. Baronet—I think it necessary to mark the progress of these things in order to show the conclusion to which I come—said upon the occasion that he stood upon the responsibility of his situation, which he felt imposed upon him the obligation of not answering the question of the hon. Gentleman. The right hon. Gentleman at the head of the Government was the next Minister who was called upon to express an opinion. That right hon. Gentleman is an exceedingly delicate barometer of public opinion; but in this, as in all cases, his change was evinced after public opinion had pretty well manifested itself. Public opinion did manifest itself upon this occasion, and he was obliged to depart from the position originally taken by the Secretary of State for the Home Department. Inquiry became unavoidable, and the right hon. Baronet, with his usual dexterity, proposed just that degree of inquiry which he thought would suit the then state of public opinion on the subject. The right hon. Baronet proposed to refer the question to a Secret Committee. Why did he do that? He did it to satisfy the anxiety and the alarm which existed in the public mind; and now, I will ask, why was that alarm and anxiety created? Because the public learnt for the first time that this power existed; they learnt for the first time that this power was exercised by the present Ministers; and then arose that which I

consider to have been a most unfair clamour against the responsible advisers of the Crown. The right hon. Baronet found himself for the first time labouring under an imputation of doing that which the public believed to be clearly illegal, and thereupon he proposed that his accusers should have a Committee, and he told us that when we had that Committee he should lay before them the truth, and the whole truth—that the whole truth should come out. Now, my interpretation of that proceeding was, that the present Ministers of the Crown felt the injustice of the accusation brought against them, and that they were resolved to drag the proceedings of every previous Ministry before the Committee, and show that they had also acted likewise, and were equally guilty as the present advisers of the Crown. They were resolved to drag every Ministry before the Committee, any Members of which were still in existence—every human being now alive. That was his object—he wished to show those who clamoured unfairly that his predecessors in office had done the same as he had done, and he supported the proposition for a Committee in obedience to public opinion. That Committee, its character, its conduct, and its labours are now before us. I am not here to impugn the honour of that Committee, but I have a full right to question its discretion; and this I now say advisedly, that the Report of that Committee has not satisfied the public feeling of this country; and this I can prove from the declarations and the conduct of the right hon. Baronet; but first, I shall proceed more particularly to notice the proceedings of the Committee. Two questions were submitted to the Committee, or rather two subjects were brought before them; and on one of these subjects two questions arose. The Committee, in proceeding with its labours, began by inquiring into the law of the case, and then they inquired into the mode in which the power that Ministers supposed themselves to hold had been exercised. The statement which in the first place had been laid before them, affecting certain foreigners—was a question of foreign policy. The other was a question affecting the hon. Member for Finsbury. Now, the Committee did express an opinion respecting the case of the foreigner, but they did not express any opinion touching the case of the hon. Member for Finsbury. On no

one point relating to his case did they express any opinion whatever. And I beg to ask the right hon. Baronet if he thinks, or if he at any time thought, that the Report of that Committee was calculated to satisfy the public mind? And this leads me also to ask of the noble Lord opposite if he now considers that there is any validity in his Amendment? Let us look for a moment at the history of these transactions. The noble Earl the Secretary for Foreign Affairs received a certain communication from the Austrian Government. He referred the inquiry thus conveyed to him, to the Department or section of the Government which had more immediately to do with the business of examining letters passing through the Post Office; in a word, he applied to the Secretary of State for the Home Department, and that right hon. Gentleman sent an order to the Post Office. Information was thus acquired which the Foreign Office in England communicated to the Austrian Government. It appears further, that the Secretary of State for Foreign Affairs, exercising this great power, received communications from, and made them to, the Austrian Government, at the same time, treating the whole of these transactions as private communications, and destroying all the documents which related to them; and declaring that being unable to trust his memory on the subject, he had no information to furnish. To me it appears that the noble Earl is responsible for the whole of those communications. This which I am now stating, however, was not told to the Committee voluntarily, but was extracted from the right hon. Baronet by the force of public opinion out of doors; the matter before us is a great question of foreign policy, and I must say that which has been stated on the subject is not sufficient to satisfy the justifiable curiosity of the public. The noble Lord has thought fit to characterize this proceeding as one which springs from a prurient curiosity. I ask the House what right has any one to impute to us, or to the public, a prurient curiosity. If the noble Lord is prepared to say that that phrase was unfortunate, if he be willing to withdraw it, I have not another word to say; but it is wholly unjustifiable in him to describe the feeling of the public as one of prurient curiosity. I repel with indignation the sentiment imputed to us by the noble Lord,—so far as to the proceedings in this case. I now come

to that of the hon. Member for Finsbury. He appealed to the Committee, and I think he had a full right to do so. I hope the House will permit me to say that there is great reason to regret the tone, temper, and language in which that appeal was treated; at the same time, I am quite willing to admit that other governments have exercised the great and odious power which the present Government found itself called upon to exercise; and I have no doubt that the present advisers of the Crown exercised that power with the best intentions, and the strongest desire to maintain the public peace. That might be true enough; but we want to know under what circumstances the discretion was exercised, in order that we may have data on which to legislate. On so great a question as this no man should be made a scapegoat. The right hon. Baronet, I quite agree, should not be made answerable for doing as other Ministers had done before him when placed in similar circumstances. But, after all, the great question is this—are the public likely to be satisfied with the result of this inquiry? The hon. Member for Finsbury says that a letter of his has been opened. Other hon. Members might possibly say the same. I believe that I could repeat the same statements. I believe that in the commencement of the year 1837, and during the year 1838, letters of mine were opened. These facts have now come to light; the public have felt alarm, and they desire that the practice should no longer continue. The statement of the case is, that the hon. Member for Finsbury charges the Government with having opened his letters—that may have been done without a warrant. I am bound to suppose that the Committee found no warrant for opening the letters of the hon. Member for Finsbury. The noble Lord (Viscount Sandon) possesses one quality that fits him for being a Member of a Secret Committee, and the hon. Member for Kendal possesses another. If the one could, he would not make disclosures; and if the other would he could not. The hon. Member for Finsbury, however, says that his letters have been opened without a warrant, and still that charge remains. I do not assume that they were opened without warrant; I will rather assume that there was a warrant; but what is the responsibility of the Minister in this case? He issued a warrant, and he may tell us

that he did so; but I acknowledge that he is not bound to tell us the circumstances which induced him so to do. And, moreover, I say, that Resolution has the distinct effect of making the right hon. Baronet responsible to this House. The hon. Member for Finsbury cannot, as he declares, understand what the right hon. Baronet calls his own individual responsibility. There is no such thing as an individual responsibility attaching to the right hon. Baronet. His individual responsibility, according to his interpretation of it, would simply mean, that he is responsible to himself alone. But the responsibility that I mean—ay, Sir, and the responsibility that in reality he will find to attach to him—is the account that he has to render to this House of the manner in which he exercises his powers. The right hon. Baronet moreover declares, that he is precluded from giving any account of his conduct in this matter by his oath of office. The name of the Queen has been most freely used by him, and his duty to his Sovereign has been alleged as a good and sufficient reason why he should persist in refusing to give any account of the manner in which he has exercised his functions; but, as the hon. and learned Member for Liskeard justly observed, the same advice which induced Her Majesty to release him from the obligation which that oath of office laid upon him to be silent, might again have been tendered by him, and would, undoubtedly, have had the effect, had he chosen, of again relieving him, and of allowing him to communicate that information to this House which is now absolutely necessary in order to allay the alarm which is felt on this question throughout the country. And let me tell the right hon. Baronet the First Lord of the Treasury, that in refusing to adopt this course, he is telling the people and he is telling this House that he will not give the information that it is imperative on him to do, in order that these alarms may be allayed, and that he is using this form merely to enable him to evade giving satisfaction. But whilst I am touching upon this point I cannot refrain from expressing my opinion that the use that has been made of the Sovereign's name upon this occasion, and for the purposes which I have characterised, is in the highest degree improper, and even unconstitutional; for we all know that the Minister himself is responsible

for the advice that he either gives or withholds in certain circumstances; and, indeed, that he is exercising one of his highest functions in refusing to advise the Crown. It will not have escaped the attention of the House that one of the great causes of that alarm which I have said exists in the minds of the people at large on the subject of the proceedings at the Post Office, is the statement contained in the Report of the Select Committee of the House of Lords, that there is no such power given to the Secretary of State as that claimed by the right hon. Baronet of detaining and opening letters. This statement comes from the highest legal authorities in the House of Lords, and they are of opinion that such an authority is not conferred by the Statute in question. The right hon. Baronet, however, says that he claims the power of opening letters on his own individual responsibility as Secretary of State. He says, this power is recognized by the Statute of Anne, and is again continued by distinct recognition in the Statute of Victoria. That power, Sir, is exactly what he designates it to be—a power of detaining and of opening letters on his own responsibility. I do not question this, and I have no doubt we shall shortly have the views of the hon. and learned Gentleman (the Solicitor General), whom I see before me, upon the same point. But I repeat my assertion, and I am strengthened in so doing by the highest legal authorities in the kingdom, that the power which he claims, and which he has exercised, is not conferred by the Statute of Anne. Now, let us look at the words of that Act. This is a most important point, for the alarm that exists out of doors is based upon the belief that the practice of opening letters by the Secretary of State is not one which the law recognises; and by the universal belief, I also may assert, that this power has been most illegally used. The 40th section of the Statute of the 9th of Anne contains these words:—

“Be it enacted by the authority aforesaid, that from and after the 1st day of June, 1711, no person or persons shall presume wittingly, willingly, or knowingly to open, detain, or delay, or cause, procure, permit, or suffer to be opened, detained, or delayed, any letter or letters, packet or packets, after the same is or shall be delivered into the General or other Post Office, or into the hands of any person or persons employed for the receiving or carrying post letters, and before delivery to the

persons to whom they are directed, or for their use, except by an express warrant in writing, under the hand of one of the Principal Secretaries of State, for every such opening, detaining, or delaying."

The power which I understand to be conferred by these words is this, that if an inferior officer or clerk in the Post Office detains or opens letters, which come into his charge, addressed to other people, the warrant of the Secretary of State, authorising him to do so, shall be held a sufficient authority, and shall shield him from all punishment for his act. Then comes this implied authority, which the right hon. Baronet the Home Secretary claims, that, namely, of opening letters on his own authority and responsibility; and upon this point I will raise no question. But I will tell him this, that I very strongly suspect, if he were to lay his warrant for opening the letters of the hon. Member for Finsbury on the Table of this House, that that warrant would be taken to the Court of Queen's Bench, and the legality of it would be there tried. I have no manner of doubt the hon. Member for Finsbury would bring his action within twenty-four hours, and he would try the specific warrant of the right hon. Baronet upon the same principle that the question of general warrants was before tried, and let me add my belief, that the same result would follow. But that is not the question which is at present under consideration. I bring the subject before the House of Commons in another form, and I say, that the right hon. Baronet, as far as we are concerned, cannot shelter himself under such responsibility as he seeks to claim, but is bound to answer the question that the hon. Member for Finsbury has addressed to him. I now call upon the House to consider likewise the consequences which cannot but be deduced from the declaration of the right hon. Baronet the First Lord of the Treasury. That right hon. Baronet described in a most elaborate and portentous manner to this House, the circumstances which characterized the autumn of the year 1842, and the responsibilities which rested upon the Government then. I do not know if the right hon. Gentleman intended to create such an impression in this House; but, as far as I individually am concerned, I am bound to state, with great deference to him, that I considered he meant to assert that England was in a most dangerous

situation at that period; that all the constitutional powers which the Ministers possessed of preserving the tranquillity and peace of the Kingdom had been called into action and had been exhausted; and that having the power of opening letters, he had exercised that power for the purposes of the public weal. The hon. Member for Finsbury charged the Home Secretary with having opened his letters. That was not denied. And the immediate, and I must say, the natural inference not only in this House, but throughout the country was, that the hon. Member's letters had so been detained and opened. Now, if the fact were so, would it not, may I observe, have been prudent, would it not have been generous, would it not have been in accordance with candour, if the right hon. Baronet the Home Secretary had got up in his place and openly said, "Yes, it is true; we did open your letters; we apprehended danger, we found none; we looked for suspicious circumstances, we found nothing to criminate you or your correspondents. We followed, in so doing, the example of our immediate predecessors, and we acted therein upon our own deep feelings of responsibility?" Suppose the right hon. Baronet had said something to this effect. I believe he would have thereby completely disarmed the public indignation. The people would have probably felt and declared that the power which had been exercised by the right hon. Baronet was a dangerous one, but that in calling that power into action, Ministers had explained the reasons why they had done so to the Representatives of the people, and that they had been held to their responsibility. But if we cannot bring the right hon. Baronet and the Ministry, claiming to exercise this most dangerous and delicate power, to a sense of their responsibility in exerting it; if we cannot compel them to give us an account of the motives by which they have been guided in calling it into action,—then, Sir, let me tell the right hon. Baronet the First Lord of the Treasury, that we must abolish that power, and thus prevent them from ever again exercising it. But this matter cannot rest where it is, consistently with the sentiments which are entertained respecting it out of doors. The progress of the whole question has from its very origin been marked by concessions. The right hon. Baronet has already made two conces-

sions to the general sentiments that have animated this House and the people. He yielded, after the delay of one day or two, to the demand for an inquiry. He yielded again to the hon. Member for Pontefract, for he answered his question. He will make a third concession before long—a concession which he would have acted wisely in making at the first. He will come forward and say, “It is true we have done this which is laid to our charge; but we acted herein upon a belief that we were promoting the public good. If we are no longer to have this power, repeal it; but having it, we considered we were but discharging our duty to our Sovereign and our country, by exercising it in the manner that has been stated.” Would not this, let me ask, have satisfied the hon. Member for Finsbury? I believe it would. And, moreover, I believe that had I put a question to the noble Lord the Member for London, when he was Home Secretary, asking him whether he had opened my letters, and he had then replied that such was the fact—I repeat, I believe that I should then have stated, that I was quite satisfied, for that such a power must have been exercised by the noble Lord only upon the most grave and serious considerations. For my own part I am of the same opinion with the hon. Baronet the Member for the University of Oxford in this respect. I do not care whether my letters are opened or not. I did not suspect them to have been opened at the time that I allude to, but circumstances have since occurred which have satisfied me that such was the case. But the sentiments which I express are far from being in accordance with the general feeling of the country with respect to the violation of seals at the Post Office. The people say, though it may be doubted, that the practice led to the results which have been fixed upon the Government with respect to the foreign correspondence that was opened. The people, I repeat, allege that such consequences are likely to result from a continuance of this practice. And, Sir, I also may observe, that there might come a time when the Secretary of State for Foreign Affairs may not be possessed of that discretion and that high spirit of integrity and honour which characterize and distinguish in so remarkable a degree the noble Lord who holds that post. But that functionary might be a person whose exercise of this power would entail the most disastrous consequences upon some unhappy

individuals; and if I know anything of the sentiments and of the feelings of my countrymen, they would unite in one universal cry of indignation, and sink to shame at the thought of having enabled a British Minister to promote the cause of despotism; thus aided, the right hon. Baronet the First Lord of the Treasury may rest assured that if he desires the continuance of that power which his Government possesses, he must declare quickly his intentions respecting this matter; and I, Sir, now conclude by expressing, not only my hope, but also my belief, that the people of this country will not be satisfied until this power is entirely abolished.

Mr. *John Collett* moved that the debate be now adjourned.

Mr. *Speaker* having put the question,

Sir *R. Peel* said: Sir, I much regret that it is considered necessary again to postpone this debate. I do think that, unless there were an absolute necessity for a further adjournment, a sense of justice towards the Government ought to induce the House to continue the discussion to-night for the purpose of pronouncing an opinion upon the subject before it. It is quite clear that it is absolutely necessary this matter should be disposed of before the House proceeds with other business. And the House is aware that the other business, which must of necessity be postponed if the Motion for the adjournment be persevered in, is of the utmost importance to the commercial and general interests of the country. If the hon. Gentleman who now makes the Motion, wishes to speak, I am sure he will now be listened to with attention. It is only a little past twelve. If the debate be again postponed to-night, it must take precedence of all other business to-morrow, and that will render it necessary to postpone the Motion of the hon. Member for Manchester (Mr. M. Gibson) upon the Sugar Duties; and also the noble Lord's (Lord John Russell's) Motion on the same subject, and no decision upon either of those questions will be pronounced this week. Now I say that will be a great public inconvenience, not merely to the Members of the Government, though they are mainly interested in promoting the public business, but, looking at the great public interests involved, and the manner they are effected, it is, I submit, the duty of the House to make a sacrifice of its own convenience in some degree, and decide

to-night upon the Motion of the hon. Member for Finsbury.

Mr. *John Collett* regretted that he could not fall into the views of the right hon. Gentleman. The House had met at four o'clock, and the Speaker had been in the Chair from that hour until now—past twelve o'clock. It was only just to the House and to various hon. Members who were anxious to speak upon the subject, that the debate should be adjourned. He was himself anxious to make a few remarks upon the question, and had been endeavouring, for the last seven hours, to catch the Speaker's eye, but without success; and he knew of at least twenty other hon. Members on his side of the House who were in the same situation. He knew it was impossible for any Member to be listened to at that hour of the morning. He had on several occasions spoken at a late hour, and had not been attended to; and it had been asked of him why he did not speak earlier? He was determined, therefore, that he would not speak late on the present question, but would insist upon the adjournment.

After some conversation on the propriety of adjourning the debate, and on the business before the House,—the House divided on the question of adjournment:—Ayes 29; Noes 269: Majority 240.

[The following is the list of those who voted for the adjournment. It is not necessary to publish the list of the majority.]

List of the AYES.

Blewitt, R. J.	Heathcoat, J.
Bouverie, hon. E. P.	Holland, R.
Bowring, Dr.	Martin, J.
Bright, J.	Morris, D.
Brocklehurst, J.	Muntz, G. F.
Byng, rt. hon. G. S.	Murray, A.
Christie, W. D.	Pattison, J.
Curteis, H. B.	Pechell, Capt.
Dawson, hn. T. V.	Ricardo, J. L.
Duncan, G.	Vyryan, Sir R. R.
Duncannon, Visct.	Watson, W. H.
Duncombe, T.	Wawn, J. T.
Evans, W.	Williams, W.
Ferrand, W. B.	TELLERS.
Gibson, T. M.	Brotherton, J.
Hastie, A.	Collett, J.

On the original question being again put, it was again met by a Motion for adjournment. And after some further conversation,

Sir *R. Peel* said, he had felt bound to take the sense of the House on the first

Motion submitted to them. The great majority which supported that Motion sufficiently proved that the House thought adjournment would be unreasonable. He had felt it his duty to take the sense of the House, because his doing so might be a check on moving adjournments at an early period of a debate, and an expression of the opinion of the House might have considerable influence. At the same time the majority on that (the Ministerial) side of the House would feel that, in the peculiar position of Her Majesty's Government, this was not a question on which they should press for a decision of the House. The majority, however large, sufficiently showed that at least one hundred Members had left the House. Under these circumstances, knowing that if there were a determination to adjourn, hon. Members might enforce their wishes against the Government, he should certainly not be disposed to press a continuance of the debate. The only alternative, therefore, was to move that it be adjourned till the next day.

Lord *J. Russell* had only to say that he thought the right hon. Gentleman quite right, notwithstanding the large majority they had obtained on this particular question, not to ask the House to proceed. He felt very strongly the inconvenience of adjourning a question which might have been decided by two or three hours more debate. It seemed to him, that although to-night the right hon. Gentleman had properly exercised his discretion, on future occasions when a considerable majority declared against adjournment, it would be right to take a decision of the House.

Mr. *T. Duncombe* said, when the right hon. Baronet observed that he hoped the noble Lord would assist him in making a vigorous attempt to conclude the debate, he hoped the right hon. Baronet would have justice on his side, and some reason for making a vigorous attempt. He had felt it totally impossible that the debate could be brought to a conclusion that night. As to the question itself, it was taken out of his hands; it was now in the hands of the noble Lord. It was, in fact, now a personal question between the Government and himself; it was a question how far they had abused their power or not, in his individual case, of opening his letters. They knew perfectly well they had opened his letters, and refused any explanation of their conduct. Nothing

could be more tyrannical on their part than to refuse any justification; but a justification he should certainly require of their hands. As the hon. Member for Sheffield had said, he hoped they would not allow any public business to proceed until some satisfaction was given, not only to himself, but to the House and the public. He had heard no good reason why the right hon. Baronet should not have accepted the proposition of the hon. Member for Cockermouth, and consented to adjourn the discussion to some evening when it might not be inconvenient to the Government. And what was the reason why the right hon. Gentleman had not done so? Because public opinion was beginning to bear on this question, and would not allow any act of tyranny to be perpetrated even towards an individual so humble as himself. Government would lose nothing by allowing the debate to be adjourned; but certainly he should follow the advice given to him, to have his character vindicated, after the imputations which had been thrown upon it by the hon. Member for Bute that evening, and by the right hon. Baronet himself indirectly on a former evening, associating him as they had done with those violent outrages and disturbances which took place in 1842, from the language held with respect to which no one could draw any other inference than that they would form the justification of Her Majesty's Ministers for that which he would still continue to call their base and mean act of opening his letters, which they dared not in their places avow.

Mr. *J. S. Wortley* said, what he had stated was, that he thought it perfectly possible some of the hon. Member's letters had been opened; but he had never imputed to the hon. Member that he had given the slightest encouragement, or had the slightest connexion with the disturbances of 1842.

Mr. *T. Duncombe* accepted the explanation. He had, however, understood the hon. Member to accuse him (Mr. *T. Duncombe*) of being in communication with persons who were tried at York, and upon whose trial hand grenades were produced, and to identify him with those parties.

Debate adjourned, and House adjourned at a quarter past one.

HOUSE OF LORDS,

Friday, February 21, 1845.

MINUTES.] PETITIONS PRESENTED. By Lord Brougham, from Edmund Byrne, Surgeon, for Amendment of Law relating to Coroners' Inquests.—By Lord Stanley, from Surgeons and Apothecaries of Ulverston and Lonsdale North of the Sands, in favour of Medical Reform.

SUGAR DUTIES.] Lord *Monteagle* moved for a return of the amount of duty received in the three years previous to the equalization of the Sugar Duties in 1835 and 1836, and in the three years subsequent to that period. Up to that period there was a discriminating duty on the produce of East and West India sugars; and by the latter it was regarded as a privilege essential to their prosperity. It was his good fortune to abolish this discriminating duty; and though there were some complaints made as to the change, he was happy to find that many of those who at first condemned the measure afterwards warmly approved of it, and many of the West India proprietors actually embarked their capital in raising East India sugar. The Committee which sat on the subject reported,—

"It is highly gratifying to the Committee to remark how considerable has been the increased importation of East India sugar. The state of this branch of the trade for the three years antecedent and subsequent to the equalisation of these duties is exhibited in the following table:—

	Cwt.	Duty.
1833 . . .	111,000	£1 12 0
1834 . . .	76,000	
1835 . . .	100,000	
1836 . . .	152,000	£1 4 0"
1837 . . .	296,000	
1838 . . .	498,000	

It had since increased much more in 1841, 1,065,000, and 1842, 935,000. The Committee to which he had referred broadly laid down the principle that there should be a perfect equality between sugars the produce of the East and West Indies. The Report stated,—

"It appears to the Committee that the general principles on which commercial regulations affecting the intercourse between the United Kingdom and the Colonial dependencies, and the mutual intercourse of those dependencies, should rest, should be that of perfect equality, subject to exception only where the permanent interest of the whole Empire, or the temporary circumstances of any part of our foreign possessions may seem to

render such exceptions necessary or expedient; that no partial favour should grant to one colony any advantage over another, either in the Colonial ports, or in those of the United Kingdom. Colonial possessions scattered over the four quarters of the globe, and legislatively dependent on the acts of a distant Government, can only be maintained in peaceful and willing obedience by making strict justice and impartiality the sole guides of every legislative proceeding by which they may be affected."

If, after the experience we had had, any attempt was made to adopt a discriminating scale of duties between sugar the produce of the East and West Indies, it would not only be a departure from the principles of legislation we had hitherto observed, but it would be acting in entire disregard of the success of that experiment.

Lord *Stanley* said, that so far as the Papers which were moved for were concerned, there was no objection on the part of the Government to give to that or the other House of Parliament all the information in their power. He agreed that it was a fit time to require such information when Her Majesty's Government were proposing a great alteration in the Sugar Duties, and a great reduction of the duties on sugar the produce of our own Colonies, and of the free labour of foreign states. He would not have said one word more on the subject if his noble Friend had not seemed to infer that it was the intention of Her Majesty's Government to recede from that principle of perfect equality of duty between different parts of Her Majesty's possessions in the East and West Indies, which had worked so well. The object of Her Majesty's Government, whatever the reduction of duty might be, was to adhere to the principle of entire equality of duty between similar sugars of the different possessions of the Crown. At the present time it was the more important that there should be no discouragement given to the growth of sugar in the East Indies, because it was most desirable that the consumption and the amount of duty should increase. If they excluded, as he hoped they would do, sugar the produce of slave labour, they ought not to throw any discouragement, but rather they ought to give every encouragement, to sugar produced within the dominions of the British Crown. He did not know whether he was regular in

discussing this question when the measure itself was not before the House; and he would not have done so had it not been for the inference drawn by his noble Friend. The Government did mean to reduce the duties on sugar the produce of the East and the West Indies, and they did intend to apply the same quantity of reduction on the sugars produced in the East as in the West Indies. What they did propose was, to make a difference in the duty applying both to the East Indian and the West Indian sugars, affecting not only the quality of the sugar but the process it had undergone. Some sugar had undergone no process, whilst other had been subjected to many scientific processes; and happy was he to say that science was constantly introducing new processes, so that a different value was often given to the same article, even when it was the produce of the same Colony. The duty on Muscovado Sugar was now 25s. 4d. per cwt., for his noble Friend would recollect the 5 per cent. added to the duty, and it was thought that the duty on this should be somewhat different from sugars of a higher class; that there should be a diminution of duty on the lowest, the poorest, and the least manufactured class of sugars, whether they were the produce of the East Indies or of the West; and the Government thus gave an increased advantage to the lowest class of consumers, by imposing a somewhat higher duty on the better class of sugars. He knew his noble Friend would say that sugars the produce of the East Indies were of this higher class; but when his noble Friend saw the proposal of Government—and it would be wise till then to reserve any comments—he would see that it was not intended to increase the duty on the East Indian sugars, but only to raise the duty on such sugars as had undergone a process not only to give a degree of whiteness but of fineness to the sugars, which would apply equally to the West Indies. To the Return moved for he had no objection.

Lord *Monteagle* was certainly obliged to his noble Friend for the explanation he had given, especially as he admitted that there should be an equality of duty. If it should turn out that the change would apply exclusively to that description of sugar which was produced in the East Indies, and which at the present time was subject only to the same duty as

West India sugars, and that after the change it would be subjected to a relatively higher duty, the equalization would be more nominal than real, and the present state of the law would be preferable to the intended change.

Return agreed to.

LOSS OF NEWSPAPERS POSTED.] Lord Campbell said, since he had mentioned the subject, he had been informed that the grievance which had been complained of was generally felt; and that even the Prime Minister himself had been obliged to complain that his newspapers had not arrived regularly. By these irregularities many persons had been deprived of the information they desired. The Return he desired was of the number of applications which, during the period of the last twelve months, had been addressed to the authorities of the General Post Office, complaining of the miscarriage and loss of newspapers passing through the post-offices.

The Earl of *Lonsdale* said, the Government had no objection to the Motion; but he thought it should be stated that the Post Office authorities ought not to bear the whole blame of the loss of newspapers. There never was a set of officers more zealous in the discharge of their duties than those engaged in the Post Office; and the fault was not always with the Post Office. He wished, therefore, in justice to them, to make some addition to the Motion. He begged to move, that there be added to his noble Friend's Motion, a Return of all the newspapers lying in the Dead Letter Office, which had not reached their destination, either through misdirection, want of addresses, or other assignable causes. The number of these often amounted to 3000 or 4000 a week.

Lord Campbell accepted very willingly the addition made to his Return.

The Earl of *Ellenborough* suggested, that before the Post Office was charged with neglect in not delivering newspapers, it would be well to ascertain that those papers had actually been put into the receiving boxes.

The Earl of *Lonsdale* thanked his noble Friend for his suggestion.

Motion agreed to.

NEW HOUSE OF LORDS. Lord Wharncliffe begged to state with reference to a question on the subject, that it never was contemplated to have their Lordships'

House ready for occupation this Session. At the beginning of the next Session he would venture to say it would be completed and fit for the accommodation of their Lordships.

House adjourned.

HOUSE OF COMMONS,

Friday, February 21, 1845.

MINUTES.] BILLS. Public.—1^o. Property Tax; Stamp Duties Assimilation.

Reported.—Companies Clauses Consolidation.

Private.—1^o. London and York Railway.

PETITIONS PRESENTED. By Lord H. Vane, from Wolsingham, against Union of St. Asaph and Bangor.—By Mr. Gill, from Law Society at Plymouth, for Repeal of Stamp Duty on Attorneys' Certificates.—By Mr. Hutt, from Van Dieman's Land, for Reduction of Duty on Grain.—By several hon. Members (5), against Renewal of Property Tax Act; and 5 respecting Sugar in Stock.—By Mr. O. Stanley, from Anglesey (2), in favour of County Courts Bill.—By Mr. Gill, and Mr. J. Heathcote, from Physicians, etc. of Devon, for Alteration of Medical Practice Bill.—By Mr. Morrison, from Fortrose, for Alteration of Prisons (Scotland) Act.—By Mr. Bright, from Littledean, and Mr. Liddell, from Chester-le-Street, for diminishing Public Houses.—By Mr. Greenall, from Medway Navigation, against Railway Clauses Consolidation Bill.—By Sir G. Strickland, for Alteration of Law respecting Sale of Beer.

COMPANIES CLAUSES CONSOLIDATION BILL.] Lord G. Somerset moved that the Order of the Day be read for a Committee of the whole House on the Companies Clauses Consolidation Bill.

Mr. Aglionby said, that before the Speaker left the Chair he should wish to give notice to the noble Lord the Chancellor for the Duchy of Lancaster, that in one of the clauses he should wish to have an alteration made, as respected public footpaths. As the law at present stood, railways might intersect footpaths which had been enjoyed from time immemorial—which led to church or to village, or to market—and they would not even be required to lay so much as a plank across, the only thing incumbent on them being a necessity of making some thoroughfare, however inconvenient—as for instance, they might make a passage beneath a railway, approached on the one side by a descent of steps, and ascending on the other side in the same manner. He should wish the clause postponed, in order to place public footpaths on the same footing with public horseways or carriage ways.

Lord G. Somerset had no objection to introduce a clause which would effect the object desired by the hon. Member, if he could only point out a way in which it could be done without interfering with the

spirit of the other clauses of the Bill. He would suggest that the words "public foot-paths" should be introduced in the clause which provided for the security of rights to highways after the word "highways."

Mr. *Aglionby* thought the noble Lord's suggestion would meet the object he had in view.

House in Committee.

Lord *G. Somerset* said, that on the night when he had given notice of his intention to introduce the bills which were now to be considered, he had stated that the object of Government in the introduction of these bills was, to render all Private Bills which might be hereafter introduced, for the formation and regulations of railways and companies, conformable to the regulations of the bill now before the Committee; of course, there was no intention to prevent the discussion being taken on any Private Bills which might hereafter be introduced. They might be considered in their several clauses in Committee, and then other clauses introduced at that time to render them conformable with the bills which were before the Committee.

Clauses up to 14 agreed to.

On Clause 15,—all calls to be paid up before the transfer is made, being put,

Mr. *Wawn* protested that it was an exceedingly hard clause. If it passed the Committee, a shareholder would be precluded from disposing of his shares until he had paid up the whole of his calls. Now, a call might be made for a particular day; and, in the interim, no one could transfer his stock. This was extremely hard; and unless the Government had some strong grounds to support it, he thought it ought to be either struck out or postponed.

Mr. *Gladstone* said, the objection to the clause appeared to be this,—it would prevent the solvent shareholder from disposing of his shares until all the calls were paid up, and thus the insolvent holder would have the advantage; for, of course, it did not much matter to him whether he effected a transfer or not. Now, to meet this objection, he would suggest that the following words be inserted:—"After such call has been made, and shall become due."

Mr. *Hayter* approved of the clause. It would put an end to an extremely bad practice which existed amongst railway share speculators. They entered into engagements without the least probability of their ever being able to meet them; and when they became deeply involved for calls, they shook off their responsibility by trans-

fering the shares to men of straw. If they omitted the clause, there would be no protection afforded to the honest and solvent speculator. The moment a call was made it became a debt; and he, for one, could see no objection why every call should not be satisfied, before any transfer was allowed. At all events, if some such provision as this were not made, it would be hard upon those who had entered into engagements, with every hope and intention of meeting them in due course, to allow dishonest speculators to creep out of their liabilities in the manner he had stated. He really could not conceive, therefore, on what ground the clause was proposed to be omitted.

Mr. *Henley* denied that a call became a debt payable immediately on being made. He apprehended a call stood upon the same principle as rent, for which no distraint could be made until the expiration of the quarter. So of a call; it could not be legally demanded until the time allowed for payment had expired.

Lord *G. Somerset* was disposed to think that the clause might be improved; and at a future time he would be ready to consider the Amendment proposed. But as the clause was introduced after much consideration and discussion, and as it had been introduced into every railway bill for the last thirteen or fourteen years, he could not take upon himself the responsibility of altering it at present, or without much consideration.

Clause agreed to.

On Clause 20,—respecting the payment of subscriptions by instalments,

Colonel *Sibthorp* objected to allow these companies to pay up their capitals by instalments, or by "calls." He would have the whole subscription paid at once. This system of calls enabled railway schemes to be taken up, as was truly said by an hon. Member opposite, by "men of straw." They got up those schemes without a shilling in the world, and then they went over the country under the pretence of making surveys. He himself could not endure to have his property entered upon, and his trees cut down by these marauders. He would say that at least two-thirds of the capital ought to be subscribed at first. He knew how the schemes were got up. People who knew nothing about these things were humbugged [*a laugh.*]; yes, humbugged—that was the word—by engineers and attorneys. Now, he did not want to make a sweeping charge against all engineers

and attorneys; for he knew that many of them were very respectable men in their way. If the public saw a sum of money, such as 20,000*l.*, paid down at once in a new company, they would have some confidence. No one could be more inclined than himself to forward any project that would be useful to the country; but he never would encourage or have anything to do with schemes which he believed to be delusive and dangerous.

On Clause 111,—empowering justices to imprison officers of companies refusing to deliver up books and documents, the prisoner to remain in custody without bail,

Mr. *Hames* objected to the clause, on account of the nature of the remedy provided by it.

Mr. *Gladstone* said, the clause was the usual one, and the best defence of it was, that no complaints had ever arisen from its operation. The case of a company requiring its servants to deliver up books, papers, vouchers, and so on, which were its own property, was not at all analogous to the ordinary case of a dispute between two parties in a Court of Justice, where the presumption was equally in favour of both antecedently to the investigation. He could conceive of no justification for detaining the property of the company.

Mr. *Spooner* said, as the party was to be imprisoned, in the absence of bail, until he had made up his accounts, facilities ought to be afforded to him for that purpose.

Mr. *Henley* could not see why these new companies should have any powers, as regarded their servants, which the old companies did not possess. The right hon. Gentleman said, there could be no possible justification for detaining books and papers. Why it might be that that was the only way in which a clerk could prove that the company were indebted to him. The observation of the hon. Member for Birmingham was a very striking one. By this law they imprisoned a man because he did not give up books, and then they kept him in prison because he did not make up his accounts, although no facilities were provided for such a purpose.

Mr. *Fox Maule* did think that the clause should be modified, and that a power should be given to ascertain whether the offence was one for which they might take bail, as in ordinary cases.

Lord *G. Somerset* concurred with the hon. Member that the clause required modification. But with regard to the observa-

tions of the hon. Member for Birmingham, upon another part of it, it appeared to him (Lord *G. Somerset*) that a public audit of the accounts would not be necessary. However, he would suggest that the clause should be passed now, and when the Report was brought up he would have a modified clause prepared; but if he attempted to do so now, he might do too much or too little.

The clause agreed to, *pro formâ*.

Remaining clauses were agreed to.

The House resumed.

The Report received and ordered to be taken into further consideration.

House adjourned at half-past three, to five o'clock.

At five o'clock the House again met.

SUGAR DUTIES.] Sir *William Clay* begged leave to put a question to the right hon. the Chancellor of the Exchequer on the subject of the Sugar Duties. He wished to know what was the intention of Her Majesty's Government as to the time when the proposed alteration in the Sugar Duties should be carried into effect after the passing of the Bill?

The *Chancellor of the Exchequer* said, that it was intended the reduction should take place immediately after the day on which the Resolutions should have been agreed to in the Committee, without waiting for the passing of the Bill.

OPENING LETTERS AT THE POST OFFICE—ADJOURNED DEBATE (THIRD NIGHT).] Mr. *J. Collett*, in resuming the debate, said, that before entering on the general question, he wished to say a few words with respect to the adjournment last night. No person could regret more than he did the inconvenience to which the right hon. Baronet had been put; but in the first place, considering the importance of the subject, and that it involved considerations with respect to the liberty of the subject, and the rights of Members of Parliament, he considered he was justified in demanding an adjournment. In the second place, he thought that the state of public feeling required a full discussion on the subject. In the third place, he thought he was justified in moving that adjournment, by the lateness of the hour when the noble Lord's (Lord *Howick's*) Amendment was brought forward. In the fourth place, he thought an adjournment was due to the Speaker, who

had sat for nine hours in that Chair, and the House had appointed to meet at twelve o'clock on the following day. In the fifth place, he considered that an adjournment was due to the Members on his side of the House, and to Members on the other side, who were desirous of addressing the House on this subject, and for whom it was well known it was impossible to obtain a hearing at a late hour of the night. It might be all very well for the right hon. Baronet opposite, or for the noble Lord the Member for London, to say they wished the debate to close—it was all very well for those great guns, who could always secure a hearing whenever they chose to speak, if it were six o'clock in the morning—but for those little men, who very seldom troubled the House, they knew very well that if they rose after eleven o'clock at night, they were interrupted by the Members who then came pouring in for the purpose of swelling a majority. If it were really desired that the debates of the House should be brought to an earlier conclusion, the duration of the speeches of Members should be limited. The Member, for example, who made a Motion might be allowed half an hour at the outside, and every other speaker should be limited to a quarter of an hour; but if some Members would persist in speaking two or three hours at a time, the little men had no chance at all. With regard to the main question, he considered the construction of the Committee and all the proceedings before it as highly unsatisfactory. They had come to a most lame and impotent conclusion in the last paragraph of their Report, where they said, "Under these circumstances it will be for Parliament to consider whether they will determine upon any legislative regulation," &c. Why, those Gentlemen very well knew that it was impossible for Parliament to do any such thing without the evidence before them which had been submitted to the Committee. To do so would be like the performance of *Hamlet* with the principal character left out. A serious charge had been brought by his hon. Friend the Member for Finsbury, and he had offered to prove that charge, and it was impossible that the affair could be properly examined by a Committee which was secret, and from which that hon. Member was excluded. The Committee had power to send for persons, papers, and records, and if they had chosen they might have ex-

amined the hon. Member for Finsbury. What the country wanted was a *bond fide* honest inquiry, for the purpose, if possible, of getting rid of the degrading and un-English custom of breaking open and re-sealing letters. Without any reference to the question whether this or that Government issued the greater number of warrants, let there be an open inquiry into the whole question, and let this abominable system be put an end to, so that the people might gain confidence in the inviolability of their correspondence. That must sooner or later be done, and if soon it would be with a better grace. About the end of the last Session there was a trial in the Exchequer where the point at issue was the age and identity of a horse, and the Judge was reported to have said to the counsel, that if he wished to influence the court or the jury, and to obtain a verdict, he should produce his horse. So he (Mr. Collett) said to the right hon. Baronet, if he wished to secure a majority in the House, and influence the public mind, he would produce his horse; for the hon. Member for Finsbury wanted to look into his mouth. The hon. Member concluded by insisting upon the necessity of an opportunity being given for the fullest investigation.

Mr. *Ridley Colborne* said, that if the question before the House had merely affected the hon. Member for Finsbury he should have been content to have given his negative to the hon. Gentleman's proposition; but the Amendment proposed by the noble Lord the Member for Sunderland made it necessary for him to explain the reason of the vote which he should give on the present occasion. Frequent allusions had been made to the proceedings of the Committee of the House of Lords on this subject, the Chairman of which was a noble relative of his; and having taken considerable interest in the proceedings of that Committee, it was but natural that he should look with more than usual anxiety to the fate of the present Motion. His noble Friend undertook the office of Chairman to their Lordships' Committee with the greatest unwillingness, feeling it to be a task which it was most difficult to fulfil in a satisfactory way, because it was almost impossible to prepare a Report that could fail either to dissatisfy the parties calling for the inquiry, or inflict a severe rebuke on Her Majesty's Government. But a

Report having been drawn up, in which noble Lords of the highest character had mainly coincided, he was bound to say that if he were to concur in the Motion of his hon. Friend the Member for Finsbury, he should be doing neither more nor less than virtually passing a vote of censure upon his noble Relative and the other noble Lords who were Members of their Lordships' Committee. But passing by the personal view of the question, he was not inclined to agree with the Motion of his hon. Friend the Member for Finsbury. The Committee to which this question had been referred was composed of men of high character, sound judgment, and independent of all party bias. Admitting that, he was bound to say that he could fully understand why the people of England should not be satisfied with their decision. The right hon. Gentleman (Sir Robert Peel) had chosen to make the Committee a secret one. It might be true that he did not actually propose it himself, but he knew very well that any suggestion of his immediately became a law. The right hon. Gentleman might be a better judge as to the persons who should form the Committee than he was; and, led away by the argument of the right hon. Gentleman, he (Mr. Colborne) certainly did vote against the hon. Member for Finsbury being a Member of the Committee. But he was not now ashamed to own that, in that instance, he considered that he had acted perfectly wrong. They ought all to have remembered the attacks which that hon. Gentleman had made upon Her Majesty's Government, and that if the hon. Gentleman had been on the Committee three nights arduous debate would have been saved, and great questions of public importance would not have been postponed. He was aware that this case had excited great interest throughout the country, and he could not help thinking that it was chiefly caused by the contemptuous manner in which it was met when it was first broached in that House. He was very far from wishing to be one of those persons, if there were any such, who from political reasons would run down the right hon. Baronet the Secretary of State for the Home Department. He believed that the right hon. Gentleman had acted with a view to the interests of the country. It was quite impossible, after what the right hon. Gentleman had stated, and which had been corroborated by

Members of the Committees of both Houses of Parliament, to assent to a vote of censure upon the right hon. Gentleman. He differed in opinion from those who wished to have this power of inspection entirely done away with. No doubt it was a power most invidious in its exercise, and most disagreeable to the Minister who had to exercise it; still he could imagine cases when such a power would not only be useful, but absolutely necessary. The only question, therefore, was the amount of confidence reposed in the Gentleman who, for the time being, filled the office of Secretary of State. It had been insinuated that this was a Motion founded on party motives. He could not pretend to know the motives of the noble Lord who had moved the Amendment, but for himself he could honestly say, that he felt not the slightest personal feeling on the matter. The Amendment of the noble Lord involved no censure of the right hon. Baronet, and had no party character, and he should support it by his vote.

Mr. Ferrand: When this question, Sir, was before the House during the last Session, I studiously avoided taking any part in the discussion, because, so soon after I myself had been engaged in a personal altercation with the right hon. the Secretary of State for the Home Department, I doubted whether I could, unbiassed by personal feeling, give a vote upon the question. But, Sir, I paid a studious attention to the debates; I heard the statements of the hon. Member for Finsbury; and when I heard the right hon. Baronet at the head of Her Majesty's Government object to that hon. Member being upon the Committee, he distinctly said that justice should be done to all parties by that Committee. That Committee has sat, and has reported to this House. The hon. Member has come to this House and declared in his place that that Committee has not done justice to him. Sir, in the last Session of Parliament the right hon. Baronet the Secretary of State for the Home Department declared that he placed his honour in the hands of that Committee, confident that they would do justice to him; and he reserved to himself a right of appeal to this House. Now, Sir, I should like to know upon what grounds the right hon. Baronet has a right to reserve to himself an appeal to this House, and refuse it to the hon. Member for Finsbury?

If he is satisfied with the Report of the Committee, the hon. Member for Finsbury is not; therefore the hon. Member takes advantage of what was proposed by the Government, and comes now before this House and appeals for its justice. But I heard myself last night a right hon. Gentleman, speaking from the Treasury Bench, charge those who think the hon. Member for Finsbury has been wronged, with striking at the right hon. Baronet whilst his hands were tied behind his back. I should like to know who it was that tied his hands? The hon. Member for Finsbury says he has received a personal injury at the hands of the right hon. Baronet, and the right hon. Baronet refuses to give him redress; and I am surprised that the Secretary of State for the Home Department should have tied his own hands for the purpose of committing the suicidal act of destroying his political character. There is another point I wish to bring to the notice of the House. It is this—if the right hon. Baronet has acted impartially in his office of Secretary of State, in issuing warrants for the opening of letters, the Committee which inquired into the circumstances was partially formed. The right hon. Baronet must recollect that during the year 1842, not only was the hon. Member, according to the inference which we must draw from the speech of the First Lord of the Treasury, engaged in private correspondence with persons who were supposed to be plotting against the safety of the State; but I myself the other night heard the First Lord of the Treasury quote from a speech delivered by the hon. Member for Wolverhampton in this House during the month of July, 1842, and upon this speech he grounded the inference which he referred to the hon. Member for Finsbury. The House will remember that in January, 1842, an article appeared in the *Quarterly Review* charging Members of this House with having been instigators of the populace in the manufacturing districts to break the peace; and, Sir, in that article there is reported the proceedings of a meeting held in London by some of the most influential members who compose that body as well as guide it. And, Sir, I find in that article the following statement, extracted from the columns of *The Times*. The House is aware how excited the public mind was during the autumn of 1842; it has not forgotten the trials which took place of large numbers

of the working classes in Lancashire, when one of those persons, in defending himself, quoted largely from speeches made by Members of this House; and that the learned Judge, when he heard those quotations read, said that although they had nothing to do with the proceedings before the Court, yet if any of the parties who used that language were indicted for it, they would be punished. These were not the exact terms which the learned Judge used; but they are the purport of what he said. On the 2nd of December, 1842, a meeting took place in London, and it was stated in the public papers the following day that—

“In consequence of the recent division of the metropolis into sections by the League, for the purpose of carrying on the Anti-Corn Law agitation, the first great district public meeting, section No. 1, of the Metropolitan Anti-Corn Law League was held last night in the Mechanics’ Institution, Southampton-buildings; there were 800 persons present, including at least 100 females.”

And who does the House suppose presided over that meeting? Why, Sir, Mr. H. Warburton, ex-M.P. for Bridport. At that meeting there was strong and violent language used, within a short distance of the Home Office.

“The Chairman made a speech, and called upon Mr. Villiers to propose a resolution, which was seconded by Mr. Ricardo. Mr. Ewart proposed the next resolution, and said when things came to that pass, it would be better for every Englishman who loved his country to sacrifice his life in maintaining his liberty.”

And upon that declaration from the hon. Member, a Mr. Blackmore rose and said, “That is our order; that is physical force.” The hon. Member for Bolton was also present at that meeting; and what I want to know from the right hon. Baronet the Secretary of State for the Home Department is, did he also open the letters of the hon. Members composing the Leaders of the Anti-Corn Law League, who were using that language in London—who had formed the city into sections, according to the method adopted in Paris immediately before the breaking out of the French Revolution? If he did not, he has acted partially towards the hon. Member for Finsbury, and not done justice to the office he holds. I have been struck with the manner in which the hon. Member for Finsbury has stood up in this

House and boldly made his charge. I heard the right hon. Baronet the Secretary of State reply to him Sir, he did not reply to him like a man who felt he had conscientiously done his duty to the office he holds. No, Sir; his defence was uttered with "bated breath" and "faltering phrase;" but if he appeared not to enter with spirit into his defence, how much more, I ask, did the hon. Member for Kendal appear to falter under the duties which he had undertaken? If the hon. Member for Kendal had not had his letters opened by the right hon. Gentleman, I think the hon. Member for Finsbury will be justified in saying, that from personal feeling towards himself the right hon. Baronet has made use of the office which he holds for the purpose of satisfying a "prurient curiosity," in peeping into his letters. But, Sir, there is another question of more vital importance than any personal feeling between the hon. Member for Finsbury and the right hon. Baronet the Secretary of State for the Home Department. Let the House remember he has said it is a personal feeling. Sir, I believe that those two Gentlemen were friends in their youth; they, Sir, have served in the same gallant corps; and I extremely regret to have heard expressions used in this House by those two hon. Members towards each other, which I feel in their cooler moments they would both sincerely regret. But that is no reason why the attention of this House is to be called from the serious responsibility which attaches to it, while inquiring into the circumstances connected with the power which the right hon. Baronet has legally invested in him. Now, I should like to call the attention of the hon. Member for Finsbury, the Colleague of the hon. Gentleman who promotes this question, to the power which the right hon. Baronet says he has—the power of issuing these warrants. The House and the country is well aware that the right hon. Baronet is a great advocate for the system of centralization. The right hon. Baronet is now attempting to carry out that system by introducing into Rochdale, and the vicinity immediately surrounding, the Poor Law Unions. I believe that, upon his authority, and under his sanction, the Poor Law Commissioners have sent down an Order into that district for the purpose of forming Unions. According to the Order which was so sent down, a Board

of Guardians have been elected in Rochdale. ["Question, question!"] I will convince the hon. Member who calls "Question," that it is the question upon which I am now addressing the House. When I was interrupted, Sir, I said, the ratepayers of Rochdale had elected a Board of Guardians who have refused to enforce the law. The consequence has been that the Poor Law Commissioners have applied to the Court of Queen's Bench, and obtained a *mandamus* to compel them. The guardians have instructed their solicitor in the country to enter an appearance in the Queen's Bench, and to try the question upon its merits. That solicitor sent his instructions, as well as the merits of the defence which the guardians mean to argue against the *mandamus*, through the Post Office. The right hon. Baronet and the Poor Law Commissioners are both parties supporting each other in their attempts to force that law upon the Rochdale Union. I do not mean to insinuate for one instant that the right hon. Baronet has opened the letters of the solicitor to the Board of Guardians, but I mean to assert that he has the power of doing it. [*A laugh*]. Hon. Members may laugh, but the right hon. Baronet has the power of opening the letters of the hon. Member for Finsbury, and those of as many other people as he chooses; and therefore he might open those of the solicitor to the Rochdale guardians. The right hon. Baronet issued eighteen warrants in the autumn of 1842. We do not know whose names are inserted in those warrants. I believe there are the names in them of Members of this House—of many other Members than the hon. Member for Finsbury. If there are not, it was an act of gross injustice. I say, the right hon. Baronet, if he is an unscrupulous Minister, has the power of stopping that solicitor's letters upon their road to his agents in London, to know what the merits are of the opposition of the Rochdale guardians to the Poor Law Commissioners. Whether the Poor Law Commissioners have learned the merits of the defence which the Rochdale Board of Guardians mean to offer to the determination of the Poor Law Commissioners to enforce the law in that Union, I know not; but this I do know that the Poor Law Commissioners now shrink from meeting the guardians. [Sir J. Graham: No, no.] Then I want to know why they have not proceeded

with the trial during the last term? I believe myself that if the merits of the case were brought before the court—I believe that if the merits of the guardians' defence were brought fairly before the court, the *mandamus* would be quashed, and that the evidence which will be brought forward will go far to annihilate the Commissioners. It is more on this ground than any other that will cause me to vote with the hon. Member for Finsbury, for I am desirous of taking out of the hands, not only of the present Secretary of State for the Home Department, but of every other Minister of the Crown who may be hereafter in office, the opportunity of using such a power.

Mr. Strutt: I am anxious, Sir, as a Member of the Committee to which so many allusions have been made, to offer a few remarks upon the subject of this discussion. I am anxious to add my testimony to that of the noble Chairman of the Committee, and of my hon. Friend the Member for Kendal—that nothing could be more full, more open, or more voluntary, than the evidence tendered to that Committee by the right hon. Baronet the Secretary of State for the Home Department, and of the Members of the present and late Government. I am sure, Sir, that the Members of that Committee will agree with me in this statement, that if their Report be defective, it has not been in consequence of a want of any evidence. It has been said that our Report is extremely defective; inasmuch as it does not communicate all the information which it should communicate. I beg the House to consider the position in which the Committee were placed. I would remind them that when the Committee was moved for, it was stated by the Ministers of the Crown in this House, the Committee would necessarily inquire into matters of the most secret and confidential character, and that consequently, in their opinion, information could not be given unless the proceedings were secret. The House concurred in that opinion. I took no part in the discussion, but the House unanimously decided that the Committee should be a Secret Committee. Of course the witnesses who came before us came avowedly upon the understanding that they were confiding their most important statements to our honour, otherwise their evidence would not be given. If the Members of this House now wish to repudiate the decision they came to then in acceding to the proposal that the Committee should be a secret one,

they are of course at liberty to do so. If they now wish to come to a different decision, and to call for the evidence, I say it is a matter in their discretion; they may so act if they think proper; but certainly, after having come to the decision which they adopted, I do not think they can reasonably complain of the Committee for having adhered to the rule which the House itself laid down; and for having refused to publish that which would have been a gross violation of honour and confidence. But my hon. Friend, the Member for Liskeard (Mr. C. Buller), has noticed one point in which he thinks the Committee acted erroneously, in not making a greater disclosure to the House—that is, in not reporting especially upon the charge made by my hon. Friend the Member for Finsbury, of the alleged opening of his letters. My hon. Friend (Mr. C. Buller) put his charge in this way:—there are three distinct statements made in this House; one with regard to the opening of the letters of Mr. Mazzini; a second with regard to those of the Polish gentlemen; and a third with regard to the opening of the letters of my hon. Friend the Member for Finsbury. He says, “You have reported upon two of these questions, and you decline to report upon the third.” I am not going, Sir, to enter into any statement of the reasons which may have influenced the Committee in their decisions, but I think I am able to show that there is a very decided and clear distinction between these cases. Let it be recollected that the whole question originated in the presentation of a petition from Mr. Mazzini, complaining that his letters had been opened, followed by two other petitions from the Polish gentlemen I have mentioned. The statements contained in those petitions produced a very strong feeling of indignation and sympathy, both in the House and in the country—a feeling that there had been a breach of hospitality in the case of these unfortunate foreigners—a feeling that they had been treated, if not with harshness, in an ungenerous spirit. I believe that impression was very general, both in the House and in the country; and for myself, I must say, to a considerable extent, I participated in that feeling. So strong was this feeling that the right hon. Baronet the Secretary of State for the Home Department thought it necessary to come down to this House and make a statement which, I believe, was wholly unprecedented; namely, that he had issued a warrant for opening these letters, and suggested that a Secret Committee

should be appointed for the purpose of investigating the whole case, to which Committee the petitions of these foreigners were referred. I must also call the attention of the House to this fact—that the other allegation, with reference, I mean, to the opening of the letters of my hon. Friend the Member for Finsbury, was made under very different circumstances. In that case no admission whatever had been made by the right hon. Baronet that he had opened any letters whatever. In fact, he declined altogether to answer the question. It should also be recollected, that the complaint of my hon. Friend the Member for Finsbury was not distinctly made in his opening speech. He only stated that he did not know but that his own letters were opened. The charge was not made in that direct form it has subsequently assumed. Besides, it was not a recent case on which the public mind was excited, the circumstance having occurred, according to the statement of the hon. Gentleman himself, in the year 1842; and if the allegation were well founded, it must have been mixed up with proceedings totally different from those to which the attention of the Secret Committee was specially directed. I repeat, Sir, that I don't pretend to give the reasons which influenced the Committee in their decision, reporting on this and not reporting on that allegation; but I think I have said enough to show that at all events there was a great distinction between the cases; and that, while a great reluctance was felt to mention any names, there might be sufficient reasons for reporting on one question, and at the same time abstaining from making a report on another, lest a precedent should be established under which every demand made by any one to know whether his letters were opened must be reported on by a Secret Committee. But even supposing the Committee were not able to go into all these questions of fact in their Report, which their duty as Members of a Secret Committee prevented, still it has been said, their summary of the evidence is not satisfactory; and they ought to have pronounced a more distinct and clear opinion as to the degree of discretion under which this power has been exercised by different Secretaries of State. I can only say, looking to the constitution of that Committee, considering that it was composed of nine Gentlemen holding very different political opinions, recollecting the difficult and delicate subject they had to deal with, it could not have excited surprise if they had come to

different conclusions as to the precise degree of discretion exercised in each particular case, and chose therefore to reserve themselves altogether on that point. With reference to this most important branch of the inquiry, I must say, to whatever misconception I may expose myself, although I am a political opponent of the right hon. Gentleman the Secretary of State for the Home Department, certainly, in my opinion, he has been unfairly and harshly treated on this subject; and, however odious this power may be generally considered—however disagreeable its exercise must be to that public functionary to whom it is intrusted, I do believe he has not acted otherwise in the execution of his duty than those who preceded him in the Home Office. Sir, I consider it a matter of common justice on my part to make this avowal; and I care not, as I said before, to what accusations it may expose me. It has been said, that in another respect the Report of this Committee is unsatisfactory; inasmuch as it embodies no clear and specific recommendation to Parliament with reference to the course that should be pursued in future. There are, of course, often great varieties of opinion among the different Members of a Committee; and nothing is more common than for the Committee on such occasions to report the evidence only, leaving the House to draw what conclusions and enact what measures they please. In the case of the Committee in question, as it was a secret one, this course could not be adopted; but, at the same time, it was natural that we should not be all agreed in taking the responsibility of the particular plan to be recommended to this House; and although the course we took has afforded a fair subject for ridicule to the hon. Member for Finsbury, yet I think we took the only course competent to us when we only pointed out the different views taken by different persons of the evidence, and left the House to form its own conclusion. For myself, I should say, looking to the amount of advantage that has been obtained by the exercise of this power, on the one hand, and to the effect that has been produced on the public mind by its exercise, on the other, that if the power be continued it should not be continued in its present state. One point in the speech of the right hon. Baronet at the head of the Government struck me much. The right hon. Baronet described in very strong terms the state of responsibility in which the Government were placed during the outbreaks in

1842—and he added, what would be said if any Government which, having such a power and labouring under such a responsibility, neglected to use that power? I feel the full force of the right hon. Baronet's remark; but at the same time I cannot but see also that even the most honest Government, the most well-intentioned towards the country, might, under circumstances of such responsibility, be induced to make an exercise of that power which in their cooler moments they might regret, or not think advisable. Of course, I only put this hypothetically. For these reasons, however, I should wish to see some greater check put upon this power. The check which I myself should be disposed to put upon it would be, to assimilate the proceedings under warrants for opening letters as nearly as possible to those under search-warrants. Those are only granted after certain formal preliminary proceedings, and on information taken on oath, the party against whom such warrant has been issued having, in case of any abuse of the power, the means of legal redress. Now, my mode of imposing a check on the undue exercise of this power of opening letters would be, as I have said, to assimilate the proceedings with those in the case of a search-warrant, and so afford the parties affected the means of redress. With this view I must say I think the suggestion of the right hon. Gentleman the Member for Edinburgh was well worthy the attention of the House. I am well aware that this is not the proper question to be discussed at the present time; but I do hope that at some future period it will come under the consideration of Her Majesty's Government and of this House.

Mr. Colquhoun observed, that the honourable feeling displayed in the speech just delivered, was quite refreshing in the midst of what had been, in some respects, an acrimonious debate. He would first consider what was the proposition of the noble Lord the Member for Sunderland (Lord Howick); and secondly, what it was not. If the opinion of all Members were asked whether it were not desirable to abolish such a power, if it were possible, their answers would be universally in the affirmative; but all would admit that it must be a matter of extreme difficulty to withdraw such a power altogether from the hands of the Government. The hon. Member for Derby (Mr. Strutt) said, regulate the power, but do not withdraw it. The hon. Member for Sheffield believed it necessary;

and the hon. and learned Member for Cork (Sergeant Murphy) thought such a power so important, that, rather than do without it, he would revive the stringent provisions of the Alien Act. On this part of the question, he had looked with great anxiety for the sentiments of the noble Lord the Member for London, because last Session he had said that if he were satisfied that the Home Secretary had exercised the power in a legitimate manner, he would vote against the appointment of any Committee. Looking at the character of the Committee in both Houses of Parliament—looking at the men who had served upon them—it was evident that they had arrived at the conclusion that it would not be safe nor prudent to deprive Government of a power which it would be fit for it to exercise in case of emergency. What, then, was the proposal of the noble Lord the Member for Sunderland? He did not, with the hon. Member for Finsbury, impugn the Report of the Committee; on the contrary, he entirely approved of it, and did not cast the slightest reflection on their proceedings; yet he called upon the House, on the allegation of the hon. Member for Finsbury, to inquire whether his charges were true, that his letters had been opened. It was to be observed that all the warrants issued by the Secretary of State previous to July, 1844, had been produced before the Committee; if, therefore, there had been any warrant for opening the letters of the hon. Member for Finsbury, it must have been among them, for it was not pretended that any of his letters since July, 1844, had been examined. Therefore to adopt the Motion was, in fact, to impugn the Committee, for the Committee had already had the case before it, if indeed any such case could be established. The Committee had pronounced that there was no ground for a charge against the Home Secretary that he had perverted the powers of his office for any unworthy end. It had been urged that the letters of a Member of Parliament ought to be peculiarly guarded from examination; but it seemed to him that there was no more reason for guarding the letters of a Member than for guarding those of a constituent, and if both were to be guarded, of course the power was a nullity. When he found that it had been exercised by successive Secretaries of State, and when he saw the Report of the Committee freeing the present Secretary of State from all imputation, he could not for a moment think of joining in any censure of the mode in

which the power had been exercised. That power had been conferred by the Legislature, and if there were any blame, upon the Legislature it ought to rest. It became all who thought the power ought to be continued, to protect the Minister in the just exercise of it, under his own responsibility and for the public advantage, from ungenerous assailants, who had employed against him the harshest terms and the most contumelious expressions.

Mr. *W. Williams* was quite sure that if the letters of other Members had been opened, they would have been as indignant at the insult as the hon. Member for Finsbury. It could not be forgotten that when inquiry was originally proposed, Ministers had offered the strongest resistance to the Motion; and when at last they were driven to concede a Committee, they resolved that it should be secret, and should consist only of persons of their own selection. He had, therefore, moved that the two hon. Members for Finsbury and Montrose should be placed upon it, and he had taken a division as to the former. Nevertheless, the hon. Member had been excluded, in direct violation of the ordinary practice of the House; and, as might have been expected, the Report of the partial Committee had given anything but satisfaction to the country. Strange as it might appear, they had not taken the slightest notice of the most important part of the case—the opening of the letters of the hon. Member for Finsbury—and had touched only upon the opening of the letters of the two foreigners. The hon. Member who spoke last, and others on the same side of the question, had utterly failed in making out any defence; and the hon. Member for Finsbury justly felt himself insulted, and that a lasting stigma was cast upon him, unless the inquiry which he challenged were conceded. He had gone before the Committee and claimed to be heard; but the Committee had not shown the sympathy which they ought not only to have felt, but to have expressed in their Report. Why had it not been stated openly that there was or was not a warrant under which the letters of the hon. Member for Finsbury had been opened? The right hon. Baronet (Sir R. Peel) and the hon. and learned Member for Bute had, not in direct terms, but by implication, cast a stigma upon the hon. Member for Finsbury, and had argued that the opening of his letters was justifiable; and he (Mr. Williams) was glad to hear that his hon. Friend was resolved, consistently with his

manly character, to persevere to the last, until the unjust imputation upon him had been entirely removed. He had been an object of suspicion with the Government; they had implied that he corresponded with incendiaries and traitors; therefore he was entitled to the freest and fullest vindication. He had felt shame for his country when he saw the different course pursued in France upon this subject—in France, where espionage had formerly been carried to a system of perfection, but where, it now appeared, they disdained in secret to open the letters of private individuals. What did this prove, but that the subject enjoyed more real security in France than in this country? He could place no confidence in a Minister of Police in Great Britain who could be guilty of the violation of privacy by the secret opening of the letters of a Member of Parliament. The evidence of the fact might not be complete, but who could doubt that espionage existed amongst us to a greater extent than was generally supposed? He maintained that it was the duty of the House, for the assertion of its own character, to grant the Motion. It was its duty also at the earliest moment, if it did not abolish the odious power now possessed by the Secretary of State, at least to put it under such restraint and limitation that no person could again be guilty of the act which had been committed by the right hon. Baronet at the head of the Home Department. On these grounds, he should give his hearty support to the original Motion.

Mr. *B. Cochrane* would merely trouble the House with one or two observations, to show why he voted on this occasion with Her Majesty's Government, and refused to support the Amendment proposed by the noble Lord. He considered that two points had been established, namely, that the power exercised by the right hon. Baronet was a constitutional power, and also that that power must, of necessity, be exercised in a secret manner. The very manner in which the power was exercised was the only way in which it could be employed consistently with its design. The seals were placed on the letters, so that the parties to whom those letters were addressed might not know that the letters had been opened. He could perfectly understand that such a power as this must be employed in a secret manner, and that being the case, how could the hon. Member for Finsbury suppose that the right hon. Baronet could give the information required? The hon. Member

said there could be no inconvenience in giving the information which he sought; but when Her Majesty's Government refused to give that information, he should have supposed that there were reasons for withholding it beyond those which appeared on the surface of the case. He could not see that the character of the hon. Gentleman was at all affected by anything that might have taken place. When a letter was opened there were two parties concerned, the party who wrote the letter, and the party to whom it was written. The opening of a letter, however, did not affect the party to whom it was addressed, but the person by whom it was written. The hon. Member said he only required information on a particular point, and therefore ought not to be refused; but the right hon. Baronet might reply:—"I will not answer this question, for, if I do, you may go on and ask others; and, when at last I am forced to be silent, you will say my silence criminales myself." He had met a passage three days since in the Duke of Wellington's despatches, in which the Duke recommends his officers not to discuss military arrangements. "My recommendation," said the noble Duke, "is not for the sake of mystery. I recommend silence upon all the questions relating to military transactions, in order to avoid mystery upon any." And it was on similar grounds he (Mr. B. Cochrane) understood that Her Majesty's Government had refused to enter at all upon the question. It was impossible that the Government could give any explanation without proceeding either to an inconvenient length, or, by their silence on any point, criminate themselves. But, he would ask, how did the hon. Member for Finsbury obtain the information that his letters were opened? He wished the hon. Member to answer that question. He thought the House had a right to know how the hon. Gentleman obtained the alleged information. The hon. Gentleman who had just sat down had stated that the French Government never violated private correspondence; but the fact of their doing so was too notorious to require discussion. It was a notorious fact that letters were constantly opened in the French Post Office. He had been for some time on the Continent, and he knew that it was the practice of the French Post Office to open letters. No matter who might hold the government in this country, whether Whig or Tory, he was sure that the government of this country was in the hands

of men who would not use the power they thus had intrusted to them for the purpose of any little petty objects, or violate the privileges which, for the public benefit, had been placed in their hands. He did not approve of the Amendment that had been made to the original Motion. It appeared to him that the House of Commons was every day becoming more and more a Court of Appeal respecting every trivial circumstance. Every trivial thing that happened in the country was brought forward in the shape of an appeal to that House. If a soldier received more lashes than he ought to get, the matter was at once brought under the consideration of that House. That House had been constituted for the purpose of legislating, and for the correction of great abuses; and he thought that in all those trivial, small, and personal matters, they ought to place the fullest confidence in the Executive Government of the country. Why, six months would not be sufficient for the business of the House, if their time was to be taken up in this way with the discussion of those personalities, which were painful to witness from whatever side they came. Now, did the hon. Gentleman mean to say that he thought his character had been injured by what had taken place, by the circumstance of his letters having been opened? He thought that the hon. Member occupied in the mind of the country, and of all who had the happiness of knowing him, too good a position to be affected by such a circumstance in his position as an honourable man. If the hon. Gentleman felt that he was injured, he was assured that, after the discussion which had taken place, the hon. Member's character would remain as much untainted as if this discussion had not taken place. It was painful to witness such discussions night after night—it must be most painful to the right hon. Gentleman to have those motives imputed to him, and to have suspicions cast upon him, of having been actuated by the most unworthy motives. For his own part he deprecated those attacks that had been made on the right hon. Gentleman, who, he was sure, discharged with the highest integrity the great trust which the constitution of the country had placed in his hands.

Mr. Blewitt could only say for himself, that if he had discovered that the right hon. Gentleman had opened any letters of his, he should have felt bound to pursue precisely the same course as the hon. Member for Finsbury—and he would further say that if any

Member would not hold the same opinions in the same circumstances, he must say that such an individual would show that he had no notion of civil freedom, and would deserve to be considered one of the veriest slaves that crawled upon the face of the earth. In the speech delivered last night by the Secretary at War, allusion had been made to the fact that it was unfair to attack the right hon. Gentleman, because his hands were tied up. Now, if so, who had tied them up? It would be much better for the right hon. Gentleman's character and peace of mind if he would notice them as speedily as possible. He thought that the right hon. Gentleman ought not to be allowed to get rid of this case until he had explained the circumstances under which those warrants had been issued. He thought that this explanation must be given. It was altogether an improper proceeding of the right hon. Gentleman and the right hon. Baronet to wish on all occasions to shelter themselves under the Queen's name. He was very sorry that the right hon. Baronet at the head of the Government was not now in his place; but on former occasions he had called the attention of the right hon. Baronet to the circumstances under which he had introduced Her Majesty's name. He did not think that the right hon. Gentleman would get out of this case in the way in which he expected to do. Whenever a difficulty arose, there was no occasion on which the right hon. Baronet did not introduce Her Majesty's name as a shelter for himself and his acts. When Ireland was to be coerced, and honourable and independent Gentlemen excluded from the magistracy, the Queen's name was put forward. When the odious Income Tax was to be introduced, they were told that Her Majesty had come forward to bear her own portion; and the other day, when the right hon. Baronet spoke of the increase of the Navy Estimates, he introduced an account of the economy exercised by Her Majesty by the way of contrast. He did not think that that House was a place where with propriety such references could constantly be made. The right hon. Baronet was in this respect imitating the *Ego et Rex meus* of Cardinal Wolsey, and adopting the *Ego et Regina mea*. The Postmaster stood in the place of a general carrier, and when once a sealed letter was placed in the Post Office, that office was bound to carry it with as much rapidity, and with as little delay, as possible to its destination. The right hon. Gentleman

had referred to the Acts of Anne and Victoria, but he contended that these Acts of Parliament did not give to the right hon. Gentleman the power of opening letters unless on his official responsibility. It was true that, at the present day, official responsibility had quite a different meaning from what it possessed in former times. Official responsibility did not now mean the axe of the executioner, or the dungeons of the Tower; but, in the present day, it meant the power of public opinion, to which all Governments must bend. He supported the Motion, and thought that this question ought to be satisfactorily explained.

Lord C. Hamilton would observe, in the first place, after what had fallen from the hon. Gentleman who had just sat down, that if the Secret Committee had felt that Her Majesty's Government had used this power improperly, they ought to have recommended an impeachment of the Ministers. He congratulated the hon. Member for Knaresborough on his great ingenuity in discovering a new cause of complaint—namely, that the right hon. Baronet had not issued more warrants, and opened more letters—the letters of the hon. Member for Kendal himself, and others, who might be supposed to stand in the same position as the hon. Member for Finsbury. [Mr. Ferrand: I said, that if he had not done so, he had acted partially and unjustly.] Yes; that was another charge against the right hon. Baronet, that he had not opened more letters. He admired the hon. Gentleman's ingenuity, and thought, at the same time, that the new accusation furnished a very good answer to the malevolent attacks which had been made upon his right hon. Friend, whom he considered unjustly blamed for the manner in which he exercised the power reposed in him, as long as he had not committed any unconstitutional act—as long as he had only used that power as a means to prevent crime, bloodshed, and civil war, without infringing on the rights of free-born Englishmen. He viewed the manner in which this case had been brought before the House as highly objectionable, and little creditable to the parties themselves. However great the reason of complaint, and however just the cause advocated, the limits of fair play, and justice, and honour, should never be passed. Such conduct would not be tolerated in private society; and he thought it ought not to be permitted in that House. What had been the effect of

the monstrous misrepresentations which had been made with regard to the proceedings of his right hon. Friend? Why, it was believed by the population in the provinces that the right hon. Baronet spent half his time at the Post Office, looking over the letters of other people. No good could ever come of such accusations. All this was foreign to the question itself. He did not wish to be understood as giving his unqualified approbation to the present system. Great difficulty surrounded this subject. But the conduct pursued by those who brought it forward would increase the difficulty of either modifying or abolishing the existing practice. There was one point connected with the treatment of this subject which he could not pass over. It had given him considerable pain to observe the silence observed by some of the occupants of the Benches on the other side of the House, upon a question which awakened the attention, and enlisted the sympathies of the country; he meant those noble Lords who, a few years ago, held the offices now filled by his right hon. Friends. He must remind the House that those predecessors of his right hon. Friend were also responsible for the exercise of this practice; for they had always exercised it when in office. Considering their lofty position—their great talents—and their high character, he thought it a source of legitimate regret to all who wished to see political contests carried on fairly, that they had permitted, unchecked, and unstayed by their efforts, the whole current of public odium to flow against those who had succeeded to that responsibility which formerly rested on themselves; and that they had not come forward to enlighten the House, as they could have done, by stating their opinion as to the expediency of retaining it, or as to the mode in which it should be exercised. But not one syllable had they said. He thought that the public had a right, considering that they were public men—for they could not absolve themselves from their responsibility to the public—to expect that they would, in a case of difficulty like the present, come forward with their assistance, counsel, and advice. He was satisfied that the two noble Lords were not actuated by any improper motive; but the public at large would be apt to put peculiar constructions on their silence. It had gone forth to the world, that for three nights the right hon. Baronet had been attacked by every kind of bitterness, of vituperation, and misre-

presentation; and those noble Lords had not stood forth and said,—“All this would apply as much to ourselves; for we also have exercised this power.” He regretted it. But the country would form its judgment of the liberality of those liberal ex-Ministers. Of the original Motion, the House had unequivocally expressed its disapprobation on various grounds, into which he need not enter. A great deal had been said about the maintenance of the old English honour and character; yet it was coolly proposed that the evidence taken before the Secret Committee should be published. Now, he must say, that after having inveigled persons into a Committee room, and induced them to make statements on the assurance that they were fully protected by the sanctity of an oath; if their evidence were to be exposed to the public gaze, that would be one of the greatest compromises and degradations of British honour that could be effected. An amendment had been moved by the noble Lord the Member for Sunderland, for the purpose of confining the inquiry, should one be granted, to the case of the hon. Member for Finsbury alone. Now, he had yet to learn that there was any peculiar sanctity in the correspondence of a Member of that House beyond that of any other subject of the realm. When was it so enacted? By what statute, law, or custom, was the peculiar right established? He knew that it had been asserted, and various arguments had been advanced in favour of it, but no specific ground had been given to prove the correctness of the opinion. What would be the effect of such a privilege? The House would remember that Mr. Feargus O'Connor had once been a Member of that House, and was subsequently imprisoned for treasonable acts. Well, he had been suspected of being connected with those more immediately engaged in sedition. Would it be contended, then, that having once entered the walls of that House, that person was not liable to have his letters opened, whatever suspicions were entertained with regard to him? Why, that would be absurd. It might, indeed, if such a rule existed, be an additional inducement to young Gentlemen to become Members of that House. He had often heard it said out of doors, that an inducement to young Gentlemen to become Members of that House was, that they would then be free from the law of arrest for debt; and surely, if the other privilege existed of being free, though suspected, from detection of seditious cor-

respondence, it might be considered by some another great inducement, and perhaps the hon. Gentleman wished to have that established. It was said, that the opening of letters was not, perhaps, so very bad; but the worst part of the business was the closing of them up again, and not telling the parties of the fact. But it should be considered why this practice, odious, invidious, and painful as it certainly was, was to be exercised. It was to obtain information secretly which could not otherwise be got; and if on the examination of the first or second letter the parties were apprised of the fact, they would be on their guard, and the practice would be rendered altogether nugatory. Therefore either letters should not be opened at all, or the present system must be continued. The hon. Gentleman seemed to consider it a degradation that his letters had been opened—an insult not only to himself, but to his hon. Colleague, and to the constituency he represented. He complained of the act as one implying that he had been engaged with seditious persons. Why, what could be more ridiculously absurd? Who had published all this? Did the right hon. Baronet state it? Did he promulgate it to the constituency of the hon. Gentleman? Who told his constituency? The hon. Gentleman himself. And he was glad to have such a thing to go to them with. He was rejoiced at this opportunity of becoming a pseudo martyr. The hon. Gentleman resembled a soldier who, after slightly scratching himself, represented to his friends that he had been in the heat of the battle and suffered severely. The hon. Gentleman made out that he had received a gross insult, and that in his person the people had been insulted too. He came forward as the defender of public rights which had been infringed. But that was not enough—having received a private insult he divulged it. Who indeed took so much pains as he to prevent his constituency and the world at large from being ignorant of it? In a case of libel it was necessary to prove damage in order to gain reparation. What damage had the hon. Gentleman suffered? Had he any exhibition of a withdrawal of the confidence of his constituency in him? Was there any decrease of their affection for him? Why, he knew that he had never made such a lucky hit in his life. He had made so much ado about nothing as to put Dogberry out of sight. Why, he (Lord Hamilton) read in the public papers that the admirers of the

hon. Gentleman were actually getting up a memorial to him—that they were raising a subscription to purchase property for him. Such was the horrible effect of opening his letters; such was the stigma it had brought upon his character! The hon. Gentleman complained of suspicions being raised against him. Why, there were other suspicions respecting the conduct of the hon. Gentleman, in alluding to which he (Lord Hamilton) did not desire to make any charge against him. But he had heard of certain reports which, if true, affected his character. He knew nothing about them; but they were so publicly related that he would give the hon. Gentleman an opportunity of contradicting them, if he liked to do so. He had heard that the means by which the hon. Gentleman had received information concerning the opening of his letters were certain persons employed in the Post Office, who betrayed the trust and confidence reposed in them, and gave the hon. Gentleman such information as he desired. That might account in some degree for the refusal of the hon. Gentleman to produce his witnesses before the Committee last year. For, what did he say? So suspicious was he, that he would not produce his witnesses before nine hon. Gentlemen, “because there was no one there to protect them.” He should like to know what upon earth was meant by this “protection” of the witnesses? Did the hon. Member mean to say, that they required to be protected from having their evidence divulged? Could it be pretended? From what they could possibly require to be protected was a perfect mystery, unless explained in accordance with these current rumours. He had not made anything like a statement even of his own belief. He was not bound to say whether he believed the rumours or not; but he would say, that this extraordinary anxiety to “protect” them, formed ground for great suspicion, and, unless explained, he should feel perfectly at liberty to give credit to those rumours. With respect to the Amendment before the House, Members of Parliament could claim no peculiar exemption; the hon. Member for Finsbury had shown no grievance; and he hoped the House would not be led away by a mere statement of suspicion that letters might have been opened, but confine itself to the broad great constitutional question, whether this practice should exist or not, and not look to the past, but “let bygones be bygones.”

Mr. Watson thought the attack that had

been made by the noble Lord on his hon. Friend the Member for Finsbury was most unnecessary, uncalled for, and unjust. But such a course of proceeding as that pursued by the noble Lord was not unusual. Whenever an independent Member made a complaint to that House of any grievance or delinquency, the young and the inexperienced in that House—the mere recruits of the party—made charges and insinuations which persons with more judgment would be on their guard against making. With respect to the Motion before the House, he thought that the Report of the Committee of Inquiry was unsatisfactory in many respects. When the Committee was originally appointed, he did not object, although he entertained some doubts on the subject of its constitution, as he thought that there were some Members who should be placed on that Committee who were not named on it. For instance, his hon. Friend the Member for Finsbury, who had brought the subject forward in that House, and who had paid great attention to it, and had carefully examined the whole matter, and was, therefore, most competent to have suggested the course of investigation, above all, should have been on the Committee. It had long been the custom of that House to appoint the Member who brought forward the subject which was referred to a Committee for consideration, to be Chairman of such Committee. Why this was not done in the present case he could not by possibility tell; but of this he felt assured, that if his hon. Friend had been Chairman of that Committee, the Report presented to that House would have been more satisfactory than the one which had been laid on the Table. The right hon. Baronet claimed great credit to himself for having taken care to put no lawyers on the Committee; now, he, as a lawyer, would at once candidly state, that he was not particularly favourable to placing lawyers on Committees of that House; but he thought that it was of most essential service that a Committee appointed to consider an important question of this kind, involving as it did many legal and constitutional points, should have the aid of eminent professional men; and, above all, the aid of such a man as his hon. and learned Friend the Member for Worcester (Sir T. Wilde), and his hon. and learned Friend the Solicitor General, as it required habits of legal investigation, and of pursuing a searching inquiry through a multitude of ramifications. The right hon. Gentleman

said, that if there were lawyers on the Committee, they would delay it by squabbling on points of law; now he would ask, what was the use of appointing the Committee, if the House was not to be informed as to what the law was on the subject? The House had heard many most excellent speeches upon this debate, but upon the law of the subject there had been no discussion whatever. When the question was first agitated, he (Mr. Watson) called upon the Government to say on what law they rested their claim to examine letters passing through the Post Office, they being the carriers of those letters; but he received no information upon the subject. The right hon. Gentleman the Home Secretary, referred to the Statute of Queen Anne and that of Her present Majesty; but it was clear, and so stated in the Report of the Lords' Committee, that the Secretary of State did not from either of these Acts derive any right upon the subject. The latter Statute he (Mr. Watson) had before him, and that Act (1 Victoria, c. 36) merely stated, that whosoever should open or wilfully detain a letter in the Post Office should be guilty of a misdemeanor; adding a proviso that this should not extend to the opening or detaining a letter in obedience to a warrant from the Secretary of State. Now the Statute adopts the same form of recognition as the Statute of Anne; and that of Victoria, according to the Report of the Committee of the House of Lords, gives no right to the Secretary of State on the subject. It states,—

“ This Act gives no power to the Secretary of State to detain or open letters, but prohibits others from doing so, except by an express warrant in writing, under the hand of the Principal Secretary, for any such opening or detaining.”

The offence of opening or detaining a letter, is a misdemeanor. The effect of this Statute was simply to relieve the subordinate officer from the offence, where he acted under the warrant of a Secretary of State, but left the legality of such warrant where it found it. This is analogous to the case of constables, who, by Statute, are exonerated from the consequences of executing illegal warrants—leaving the magistrate responsible if the warrant is illegal. He had taken some pains to look into and examine authorities on this subject; and he had looked carefully into the law of the matter, and he could not find any authority, or any case reported, or any

dictum in any law book, which affirmed, that the Secretary of State had the power of issuing a warrant to open letters in the Post Office. He could not find in any text book or Report a statement by which it appeared that the Secretary of State had the legal authority to grant warrants to detain or open letters. What was the right claimed and exercised? It was not merely to seize and detain letters, but to open those letters, seal them up again, and then send them on to the parties; not to take the bold measure of seizing and keeping an individual's papers for public purposes, or for the ends of justice, but to read his letters and take copies of them, and copies of the seals, in their passage to him. This was a great constitutional question. To talk of investigating the subject without inquiring into the law under which they lived, was really entering into no inquiry at all; the subject being the right of the Secretary of State by law to examine in the Post Office the letters of the public at large, and letters addressed to Members of the House. He said, that there was no such right; and that was a question which must ultimately be determined. His hon. and learned Friend the Member for Bute (Mr. J. S. Wortley) had been pleased to ask on the previous night why was not information laid before the House, and evidence adduced by those who complained? Why, where was the evidence to be obtained? What letters had been opened was known only to the Secretary of State, and his subordinates. How could evidence be produced by the hon. Member for Finsbury, except that he had heard certain things, and thought them probable, and believed them? The Government and its subordinates alone had the information. His hon. Friend the Member for Weymouth (Mr. Bernal) had said that this question ought not to be discussed in the House, but in the Queen's Bench, or in some other Court; and some other hon. Members appeared to hold the same view. He must state, in the face of the House, that if the inquiry did not take place in Parliament, it could take place nowhere. How could it take place in the Queen's Bench? How could it be proved that letters had been opened? Were the subordinates of the Post Office to be called? No single individual could prove that any particular letter had been opened; and even the Secretary of State, if called to be examined on the subject, was privileged from making any disclosure. It had been decided in Courts of Law that

a Secretary of State could not be examined before them on matters connected with the public affairs of the country. This was clearly and distinctly the decision of the late Lord Tenterden. How, then, could any individual carry this case into a Court of Law to try the question of right? The only information that they could obtain must be given by the Government, or by those employed by it. If the Government, then, was anxious to have this question determined, let the right hon. Gentleman admit that he had opened the letters of the hon. Member for Finsbury, and thus the whole case could be tried. But he would challenge his hon. and learned Friend the Solicitor General as to the statement that the whole system of opening letters was illegal. The case of general warrants was analogous to this; and under one of them it was not declared to be illegal to seize papers until the time of Wilks. General warrants had been used in the time of Elizabeth and James; precedents of general warrants were to be found in Dalton and Rushworth, in the time of the Commonwealth, and during the reigns of Charles I. and Charles II.; and from the Revolution to the case to which he alluded, when they were declared to be illegal, they were frequently issued by Secretaries of State. He contended that the principle involved in that case was perfectly analogous to that in the present question. There were two cases to which he would particularly call the attention of the House. One was the case of the editor and printer of the *North Briton*. The Secretary of State issued a warrant to seize all his papers; the validity of that warrant was tried, and the jury gave very large damages against the persons concerned in issuing the warrant. And what did the Chief Justice say upon that occasion? He spoke as follows:—

“A warrant was granted by Lord Halifax the Secretary of State, directing a messenger to apprehend and seize the printer and publisher of a paper called the *North Briton*, without any information or charge laid before the Secretary of State previous to his granting the warrant.”

Whereas every lawyer knew that no warrant to arrest a person and examine his house was good without information duly laid, and the warrant itself stating the offence upon the face of it; and it was there decided that a Secretary of State would not take an information on oath, for he had no power to administer an oath. The Chief Justice then proceeded to state that the small injury

done to the plaintiff, or the inconsiderableness of his station, were not material to the question of right; of course the same arbitrary power could have been claimed over all the King's subjects, violating *Magna Charta*, and destroying the liberties of the people. The King's Counsel of that day and the Solicitor of the Treasury endeavoured to maintain the legality of that warrant; but his Lordship said,—

“To enter a house by a nameless warrant, in order to seize there, is worse than the Spanish Inquisition.”

That was not the speech of a political partisan in that House, or on the hustings; but the judicial opinion of a Chief Justice. And the Chief Justice added,—

“It would be a law under which no Englishman would wish to live an hour. It was a most daring public attack made upon the liberty of the subject.”

Really there seemed to be very little difference between issuing a warrant to seize the papers of “the editor and printer of the *North Briton*,” and issuing a warrant to examine, read, and copy letters. But Mr. Entick's case in the *State Trials*, vol. 19, came still nearer to the present. A special verdict was found in that case, in reference to the warrant found against Mr. Entick, and the case was very elaborately argued; the judgment of the Chief Justice affected the present case materially. His Lordship was pressed by a variety of arguments, and among others by this, that it had been a usage continued for a long period:—

“It began at the Revolution,” said his Lordship, “and is too modern to be law. The Common Law does not begin with the Revolution. The warrant,” he added, “was an execution in the first instance, without previous information, or hearing of the plaintiff—a power claimed by no other magistrate whatsoever, Chief Justice Scroggs excepted. It was argued that if the Secretary of State had power to commit in treason, he hath it in lesser crimes. This I deny.” Justice Rokeby said, “he is only a conservator of the peace. There is no law, and less justice, to justify the defendants in what they have done; if there was it would destroy all comfort in society, for papers are often the dearest property that a man can have.”

If such a right as was claimed in this case really existed, to examine and copy letters passing through the Post Office, would not some instance of it, in some period, be found in the law books? It was impossible to suppose that it was law if it could be

sanctioned by no authority. But it was urged that there was usage for this claim, and several instances of warrants to examine letters were given in the Report. There was in the Appendix some writs to Robert de Kendell, the Warden of the Cinque Ports, of the date of 2 Edward II., to detain all letters from France. Again, in the time of Cromwell, and during the civil wars, it appeared that warrants or Orders in Council were issued to seize papers; but this was a very different matter, illegal as it probably was, from seizing letters in the Post Office, and examining and copying them. There were also Orders of the time of Charles I. and Charles II.; but although those were bad times, times when the law had been so perverted as to get Judges to sanction “ship money,” and the “dispensing power,” still it did not appear that any Judge had said that any law existed which could give a Secretary of State the right to detain and examine letters passing through the Post Office. There was nothing but the practice from the Revolution; and what was the value of that? It was only a continuance of illegal acts; it was only so many Secretaries of State, from year to year, issuing warrants which were illegal; and a continuance of illegal acts would not constitute a legal right. In Money's case, the argument from usage was urged in vain. In reference to general warrants, Mr. Justice Yates said—“If you show me an usage from the foundation of Rome, it will not legalise such a practice as this.” So, he said, that an usage from the creation of the world for Secretaries of State to open letters in the Post Office would not make the practice legal. And what sort of warrants were these? Warrants must be founded upon information, and the offence stated on the face of them. Where was the information? How did the Secretary of State take it? Was he able to administer an oath to the party? Certainly not. The warrants, therefore, were illegal. It was true they were referred to in those Acts of Parliament; but was it intended by the Acts to confer upon the Secretary of State the right to issue them? Certainly not. No such power restraining the rights and liberties of the subject, could be conferred by indentment from the words of an Act of Parliament; such power could only be conferred by express words. They merely relieved the Post Office authorities from penalties in acting under his warrants to detain letters, but conferred no right to

open letters — though the former was nearly as bad as the latter. Upon a great question like this it was of the deepest importance to the country to know what was the state of the law; and he invited the Solicitor General to state, in the face of the House and of the country, upon what authority and what grounds of law he justified the Secretary of State in examining letters at the Post Office. It was not of the slightest avail to refer to usage; and there was no legal authority for the practice; the thing was utterly and entirely illegal. Again, the Committee had not investigated the question as to the manner and as to the nature of the information on which these warrants for opening letters were issued. It was a matter of the deepest consequence, that the nature of the information should be known on which they were granted. Some Secretaries of State might require very strong authority to issue such warrants; while others, more credulous, might be induced to issue them without the slightest hesitation, upon vague and loose gossips. An hon. Baronet said last night, that the speeches of two hon. Members might furnish a justification for the issuing a warrant to open their letters. This, however, was no authority which could justify the issuing a warrant; for it was merely a vague suspicion that a party had been guilty of some illegal act. One argument used the other night was, that it was necessary for the safety of the State, and for the preservation of the public peace, that the Government should possess this power; but the same plea of necessity would justify any tyrannical act, such as breaking into a man's house and imprisoning his person. To be justified in such a proceeding, you must act upon the evidence that some crime was about to be committed; therefore it was important that the House should know on what political grounds the Secretary of State had issued his warrant. The Report said,—

“So far as the criminal warrants go, no suspicion arises that unfairness or partiality has directed their issue. With regard to the other class of warrants, though there have been some few issued by different Administrations that have been in power during the last twenty-two years, in regard to which it is obvious, that on a subsequent review of the facts, a difference of opinion might arise as to the discretion exercised in each particular case: yet your Committee see no reason to doubt that the conduct of the Secretaries of State belonging to each of those Administra-

tions, has been guided by no other motive than an anxious desire to preserve the public peace, with the maintenance of which they were charged.”

Now, he understood from this that the Committee did not investigate the grounds on which a warrant to detain and open letters was issued by the Secretary of State. He said that it was the duty of the Committee to have investigated and stated to the public the nature of the information which would induce the Secretary of State to issue such a warrant. The Committee, therefore, decided on a matter of the greatest importance to the public without examining into the grounds of the case; but he might be told that the latter part of the passage in the Report was a virtual acquittal of the Government; but for this purpose the Committee should have referred to the records of the Home Office before they were satisfied. It appeared from the Report that no other condition or motive was required than an anxious desire to preserve the public peace. If warrants were issued merely on such grounds, he would say that they never should have been issued. They found that the number of those warrants had been greatly increased within the last few years; and it appeared that they had been issued, not for the examination of letters for a few days, but had remained at the Post Office for years. He said, under such circumstances, the Committee should have insisted upon knowing the grounds for their issue, and have examined and probed the matter to the bottom. One matter struck him in connexion with this subject. He found that in 1817 a warrant was issued to the Postmaster of Nottingham, to detain and open letters. At that time disturbances occurred in that town and the neighbouring districts. Was it not known that persons who were supposed to have taken part in them were convicted on the evidence of spies, and it was probable at the instigation of those persons the warrant to open letters written by themselves and directed to persons suspected was issued; and thus these spies created at the same time the evidence and the information. Again, in 1819, when the Habeas Corpus Act was suspended, similar proceedings took place in the manufacturing districts; and it was probable that information was given to Government by spies, so as to lead to the stoppage of letters, and by this means many unhappy men were led to their ruin. The hon. and learned Member for Bute alluded to

some indictments which had been tried in York for treasonable misdemeanors. Now, certainly there was no ground for supposing that those persons corresponded with his hon. Friend the Member for Finsbury. These persons, as he believed, defended by the hon. and learned Member, had been sentenced, he believed, to four years' imprisonment in Northallerton Gaol. Now suppose these individuals before trial wished to communicate with their law advisers, was it to be allowed that their letters should find their way into the hands of the Government, so as to enable it to obtain information to lead to a conviction? Such a case would be prying into letters which was the property of individuals, for the most unjust and injurious purposes. The hon. Member for Sheffield had talked of the discredit cast on Foreign Powers, in consequence of the extent to which this practice of letter opening was carried. Now he did not think that the practice was creditable to Foreign Powers, or to the character of the English nation. But when they talked of opening the letters of English subjects passing through the Post Office of this country, he would at once say that the practice was unconstitutional and illegal. He, however, deeply regretted that there was no means of bringing this case before a Court of Law, unless through the interposition of that House, or unless the Secretary of State had admitted that he had opened the letters. It was quite clear that last year, after the case had been submitted to Parliament, that the Committee appointed was to inquire into the legality of the proceeding, and not whether this power had been used or not for a long or a short period? There was no act of oppression against the liberty of the subject which had not been resorted to some time or other in this country; and if you referred merely to precedent as a ground of right, you would find a justification for every atrocity that could be perpetrated. The right hon. Baronet said, with a tone of great triumph, that he had not gone further than his predecessors in the execution of his power; he did not suppose the right hon. Baronet had, but still that was not a justification. His hon. Friend the Member for Finsbury, last year, complained, on the part of a foreign exile, that his letters passing through the Post Office, directed to him, had been opened; and the right hon. Gentleman turned round and said it was only in conformity

with a practice which had been followed by Mr. Fox and other eminent statesmen of both parties. Whether, however, the example had been set by Whig or Tory, he was satisfied that it was illegal, and was most discreditable to all parties. He would not say that a Secretary of State was to be condemned because he had exercised this power, which he found had been resorted to by his predecessors; but this he would say, that when a Gentleman became a Secretary of State, and he found such a practice prevailing, it was his duty to examine into the subject, and see upon what principle it rested, and to look into the evidence of its legality. As to the letters of his hon. Friend the Member for Finsbury, the question was this:—A Member of Parliament had many public duties to discharge, and advice was often asked of him by his constituents; therefore, to direct his letters to be opened and examined at the Post Office was derogatory to the dignity of that House, and to the honour of the Member who was so treated, and to his constituents. Reference had been made to the manner in which this proceeding of opening the letters of Members of that House had been taken up in the corrupt times of Sir R. Walpole, in 1735. Even at that time they had a precedent declaring that it was a high breach of the privilege of Parliament to open or look into any letter belonging to a Member of that House, except under an express warrant in writing, under the hand of one of the Principal Secretaries of State, for every such opening and looking into. But, then, inquiry should be made what was done under such a warrant, and whether such a warrant was legal. It should be recollected that a warrant was not the mere creation of the brain of a Secretary of State, any more than a magistrate. He must proceed on exact information, as Chief Justice Pratt had stated, and must issue his warrant grounded on such information. It was a breach of privilege to proceed without positive and legal information to issue such a warrant, even according to the Resolution of 1735; bad as these times were, and corrupt as Parliament then was, still it was declared to be a breach of privilege to prevent a Member receiving his letters free, unless they were stopped by a warrant, and that a legal warrant. It was resolved by this House in 1766, that to seize papers of a Member under a general warrant, was a breach of privilege; how much stronger must be the breach of privilege in open-

ing and reading the letters of Members coming from their constituents. The voice of that House and the country must have told the Government that the time had come when the question should be set at rest, and the country should know on what law this custom of detaining and opening letters was founded, and what had led the Government to exercise that power in this case. The hon. and learned Member for Bute had talked of the feelings of the right hon. Baronet; he (Mr. Watson) should be sorry to say anything to hurt them, but then he should recollect that there were feelings on the other side. Must it not be grating to the feelings, and derogatory to the honour of a Member of that House to know that he was the object of such suspicion—that the Government had acted in a way to lead to the supposition that he had, *primâ facie*, been guilty of a crime? To show what inferences were often drawn from such an act on the part of the Government, he need only refer to what had been said that night by the noble Lord the Member for Tyrone, who declared most erroneously that a former Member for Cork had been imprisoned for felony. No doubt, in an equal spirit of exaggeration, in the course of two or three years, some person would be getting up and saying that the hon. Member for Finsbury had been suspected of felony, as his letters had been detained and opened. In conclusion, he considered that the House was entitled to know the nature of the information which led to the issue of these warrants, and to the grounds on which they were granted. If he was wrong in the statement which he had made as to the law of the case, it was not from any want of attention on his part, as he had carefully looked into the law on the subject; and he was sure that it would be satisfactory to the House and the country to learn from his learned Friend the Solicitor General, that the detention and examination of letters in the Post Office rested on legal grounds.

The *Solicitor General* said, if he had been disinclined to take part in this discussion, one of the most disagreeable and painful he had ever heard within the walls of the House—and which had already been sufficiently protracted—it was impossible, after the pointed notice of the noble Lord and of the hon. and learned Member for Bath on a preceding evening, independently of the appeals that had been made to him to-night, that he should avoid trespassing on the attention of the House.

Though he felt most acutely a considerable portion of the proceedings which had taken place on this subject in the House—though he regretted the Motion, and deeply regretted many expressions which had been used, and the general tone and temper of the debate—he trusted that the observations he had to make would be confined within the limits consistent with a due regard to the importance of the subject, and the dignity of the House. He was placed in a most extraordinary position with respect to the Motion of the hon. Member. The Motion of the hon. Member as originally framed, was prepared after due consideration, and no doubt after consultation with his friends; but it contained expressions so objectionable, that his better judgment, or sounder advice, induced him to omit them; and the Motion, thus considered and thus remodelled, was at last presented to the attention of the House. Two nights were nearly spent in debate upon this Motion, when, at a late period of the second night's debate, the noble Lord the Member for Sunderland came forward with an Amendment—an Amendment which the hon. Gentleman the Member for Shrewsbury said was not conceived in a hostile spirit, and, what must have surprised many of us, that it was not supported by him in a similar spirit. The noble Lord the Member for Sunderland was a manly, a generous, and an open opponent. We knew where to look for such an opponent; we met him where a fair adversary ought ever to be met—face to face. It was, therefore, quite competent for the noble Lord to bring forward his Amendment even as a party measure, and to propose it for the consideration of the House in the course of fair Parliamentary warfare. The noble Lord had felt that the proposition which had been conceived and put forward by the hon. Member for Finsbury would not be generally entertained;—that it had been condemned by the right hon. Gentleman the Member for Edinburgh. He wished that right hon. Gentleman would allow him to prefix the word “learned” also to his name, for he (the *Solicitor General*) was proud to recollect that the right hon. Gentleman had been once of the profession to which he belonged. It had been condemned also by the hon. Member for Sheffield (Mr. Ward) in a most admirable speech, which, from the generous spirit which it breathed throughout, it was refreshing to hear in such a debate. That

hon. Gentleman had stated that it was impossible for him to agree to the Motion of the hon. Member for Finsbury; and under these circumstances, the noble Lord the Member for Sunderland felt that it was necessary to bring the straggling party together again. The noble Lord was determined to raise a standard round which his party might rally. It was quite fair, and quite consistent with Parliamentary tactics; and he had accordingly framed an Amendment which it appeared had the advantage of conciliating the good feeling of all those who usually voted with the noble Lord. It was probable that all the fugitives would thus return to the noble Lord's standard, and would unite with him in one body to support his Amendment. But the hon. Gentleman the Member for Shrewsbury had, not unexpectedly, given his support to the noble Lord. He said, not unexpectedly, because it would be in the recollection of the House, that when the hon. Gentleman the Member for Shrewsbury, and the noble Lord the Member for Liverpool (Lord Sandon) rose together, there was a general call by hon. Members opposite for the former hon. Member, to which call his noble Friend had been compelled to give way. Now, though he admitted the talent and ingenuity of the hon. Member for Shrewsbury, yet he shrewdly suspected when that hon. Member rose to address the House, it was not the anticipation of the pleasure to be derived from the exhibition of these qualities, which accounted for the eagerness to hear him, but that it was from some previous knowledge of the course which he meant to pursue which made them so ready to receive him with open arms. Nor were the hon. Gentlemen who exhibited such anxiety to hear the hon. Member for Shrewsbury deceived in their expectations, for he had supported with all his heart and power the Amendment of the noble Lord. The hon. Gentleman had told them that he gave his support to the noble Lord through no hostile feeling towards the right hon. Baronet (Sir J. Graham). He regretted, however, that the tone, the manner, and the expressions of the hon. Gentleman strangely belied that declaration. He had for some time felt at a loss to conceive what it was that had provoked the hon. Member for Shrewsbury—he wondered what motive could have actuated him to display such feelings; but the hon. Gentleman was at length kind enough to clear up his doubts, by informing the House that he had received from his

right hon. Friend *nothing but* courtesy. The cause of the spirit exhibited by the hon. Member for Shrewsbury was therefore perfectly clear; and he could thus understand why it was that hon. Gentlemen on the other side of the House had appeared to be prepared for the speech which the hon. Gentleman had made. The hon. Gentleman had taken the legal grounds of the question for his argument, and in that he had been followed by the hon. and learned Member for Bath (Mr. Roebuck). The latter hon. and learned Gentleman had pressed him (the Solicitor General) with the opinion of what he was pleased to call the highest legal authority in Common Law; by which he presumed his hon. and learned Friend meant the Judge who presides in the highest Court of Common Law in this kingdom. They had had on that night the question of law renewed, by the hon. Member for Newport (Mr. Blewitt), who had acted as a sort of leader for his hon. and learned Friend the Member for Kinsale (Mr. Watson). The latter hon. and learned Gentleman had regretted that no one before him had touched upon the legal bearing of the question, which had formed the principal portion of the hon. and learned Gentleman's own speech. He did not know if that regret was shared by the House; for it had certainly occurred to him that the real question under consideration had not the slightest connexion with the legal matters which his hon. and learned Friend had introduced to their notice. He confessed that he still entertained the same opinion; but he was placed in a situation of some embarrassment on the subject. He felt that he was entering on irrelevant matter, but yet that, if he did not reply to the observations of his hon. and learned Friends, he might be supposed to agree in the law which they had so authoritatively laid down; while, by following them in the course which they had taken, he must enter on a field of debate quite foreign to that which ought to be the subject of discussion. At the same time he must say, that nothing appeared to him more unsatisfactory than the legal opinions which were expressed by Gentlemen of his profession in that House. Whatever might be the sincerity of those opinions, however strongly the speakers might be impressed with the correctness of their view of the law, still it was impossible for other hon. Members of that House, and for the public generally,

to divest their minds of the impression that those hon. and learned Gentlemen were speaking under a bias which thwarted their judgments, and which prevented them from coming to an honest and a fair conclusion. He knew perfectly well, that if he happened to express an opinion—as he feared he should be compelled to do—on a point of law opposed to that which had fallen from his hon. and learned Friend who had preceded him, it would be immediately supposed that he had done so merely because he happened to sit on the opposite side of the House to that of the hon. and learned Gentleman. He was aware of the natural and inevitable consequences that were to be drawn from their respective positions in that debate; but, with that knowledge, he would still not shrink from the responsibility of the place which he filled. The House would, he trusted, permit him to say that he did feel very seriously the responsibility of every opinion in point of law which he was called upon to express. He did not, however, approve of the course followed by his hon. and learned Friend, of pledging his professional reputation to the accuracy of every opinion which he put forth. He knew the danger of offering such pledges too frequently, as at last no credit would be obtained upon them,—he knew, also, how prone men were to cling to favourite views and to feelings of party,—yet still he did not shrink from the responsibility of the opinion which he was about to give. In reply to his hon. and learned Friend, he must, in the first place, remark, that when the question had been originally opened, the noble Lord alluded to by the hon. and learned Gentleman was of opinion, not merely that the issue of warrants was sanctioned by law, but that the law recognized even the issue of a general warrant in this case. In the House of Lords, they had the Lord Chancellor, Lord Brougham, and Lord Denman, in favour of this view. He admitted that the opinion of Lord Campbell was different, but the other three noble Lords all concurred in the opinion that a general warrant to detain and open all the letters of a particular individual, within a certain period, was a valid instrument. Lord Campbell, he admitted, was of opinion that it was necessary to have a specific warrant for each particular case of opening a letter. He would also admit that the noble Lord who presided in the Court of Queen's Bench appeared to have afterwards changed the opinion which he had

originally entertained; but the subsequent declaration of the noble Lord was very vaguely and unsatisfactorily expressed, and he did not, therefore, consider himself much pressed by it, and, even if it were otherwise, he should still feel bound to put forward his own views fearlessly upon the matter. The hon. and learned Member for Kinsale was the only member of the legal profession—and he had taken credit to himself for the fact—who had argued and reasoned on the question of law; but he feared that his hon. and learned Friend and himself were not very likely to agree upon the view of the law. His hon. and learned Friend had failed in convincing him, and he had not much hope of making his hon. and learned friend a convert to his opinion. The hon. and learned Gentleman had told them that he cared not what the usage in the matter might be; that if he were given usage from the foundation of Rome to the present time, it could not, in his mind, sanction such a practice as that of which he complained. His hon. and learned Friend appeared to have forgotten that position, however, towards the conclusion of his argument; for he then inquired what objection there could be in the case of the hon. Member for Finsbury to produce the legal warrant, if any such existed. [Mr. Watson had not made use of the word "legal."] His impression was, that his hon. and learned Friend had used the word "legal;" but of course, after the denial which had been given, he would not press the point farther. His hon. and learned Friend said, the case under their consideration was like that of general warrants; and in the midst of his other avocations, he appeared to have found time to search for authorities on the subject. His hon. and learned Friend came to the House armed with the opinions of Judges as to the legality of general warrants; and he said there was one case conclusive on the point, and that the warrants in question could no more stand than general warrants. But did the hon. and learned Gentleman know this—that general warrants existed under the authority of an Act of Parliament until the year 1694, when the Statute expired?—that subsequently to that date there was no law empowering Secretaries of State to issue general warrants; and yet that, notwithstanding the absence of any legal authority, general warrants continued to be issued until the year 1763, when it was

decided that they were illegal? His hon. and learned Friend objected that there were no lawyers on the Committee. He supposed the hon. and learned Gentleman did not regret not being on that Committee. Certainly, as far as he was concerned, he was very glad that he had not been placed on it. But his hon. and learned Friend would admit that his objection did not apply to the Committee of the House of Lords. In the Committee of the House of Lords there were two excellent lawyers, both of whom had held the Great Seal. He alluded to Lord Cottenham and Lord Brougham. But his hon. and learned Friend said, that the Report of the Committee of the House of Lords expressly declared that this power was not conferred by any statute. But that was not all that the Report stated. His hon. and learned Friend had read a passage from the Report, but he omitted the reasoning on which the statement was founded. It was true the Lords' Committee stated, and the passage had been read by his hon. and learned Friend, that the Act of the 9th Anne, c. 10—

“Gives no power to the Secretary of State to detain or open letters, but prohibits others from doing so, except by an express warrant in writing under the hand of the Principal Secretary for every such opening or detaining.”

But if his hon. and learned Friend had read the two preceding lines, he would have found these words :—

“The terms in which the provisions of the Act, 9 Anne, c. 10, upon this subject are enacted, can only be explained upon the supposition that this power was at the time fully recognized.”

After which the Report goes on with the sentence which the hon. and learned Gentleman had read. His hon. and learned Friend would forgive him for charging him with suppressing a very important part of the paragraph, and thus inducing the House to believe that the Secretary of State exercised the power of opening and detaining letters without any legal right. His hon. and learned Friend said that he had been unable to find any authorities to warrant the belief that any such power existed in connexion with the office of the Secretary of State. He wondered whether it ever occurred to his hon. and learned Friend, inasmuch as this was a power exercised in secret, that it was very likely that there would be no authorities in the books upon the subject. If that had occurred to his hon. and learned Friend, it

would have saved him a great deal of valuable time, which he might have devoted to more important and useful inquiries. But his hon. Friend said this was an illegal power which existed nowhere, neither under Common Law nor Statute Law, of which, even if usage could be adduced in support of it, from the time of the foundation of Rome to the present moment, there would, in his opinion, be no justification. With such a conviction in the mind of the hon. and learned Gentleman, it was impossible to argue with him. He trusted, however, that other hon. Gentlemen would not require the same amount of proof, and though he could not go back so far as the foundation of Rome, still, through the labours of the Committee, and the antiquarian researches of the hon. Member for Kendal, he could show that the power of carrying letters had always been a part of the Prerogative of the Crown, which had been thereby enabled to detain any suspected letters; that at the time of the Commonwealth an ordinance was passed, in the year 1656, which enumerated, among the advantages of a Post Office, that it would afford the best means

“To discover and prevent many dangerous and wicked designs which have been and are daily contrived, against the peace and welfare of the Commonwealth, the intelligence whereof cannot well be communicated but by letter of escript.”

He cared not whether that power had originally the constitutional authority contended for; but he would maintain that by the Act of the 9th of Anne, that power had been distinctly recognized as existing in one of the Principal Secretaries of State. He was afraid he detained the House too long upon this part of the case; but it was important that they should have the evidence on that subject clearly before them, and he trusted the House would therefore allow him for a moment to refer to the Statute of Anne, of which so much had been said in that debate. The 40th section of that Act was in the following terms :—

“And whereas abuses may be committed by wilfully opening, embezzling, detaining and delaying of letters or packets, to the great discouragement of trade, commerce, and correspondence; for prevention thereof, be it enacted by the authority aforesaid, and from and after the 1st day of June, 1711, no person or persons shall presume wittingly, willingly, or knowingly, to open, detain or delay, or cause, procure, permit or suffer to be opened, de-

tained or delayed, any letter or letters, packet or packets, after the same is or shall be delivered into the general or other post-office, or into the hands of any person or persons employed for the receiving or carrying post letters, and before delivery to the persons to whom they are directed, or for their use, except by an express warrant in writing, under the hand of one of the Principal Secretaries of State for every such opening, detaining or delaying; or except in such cases when the party or parties to whom such letter or letters, packet or packets, shall be directed, or who is or are hereby chargeable with the payment of the port or ports thereof, shall refuse or neglect to pay the same; and except such letters or packets as shall be returned for want of due directions, and when the party to whom the same is directed cannot be found; and that every person or persons offending in manner aforesaid, or who shall embezzle any such letter or letters, packet or packets, shall for every such offence forfeit the sum of 20*l*."

All the Acts relating to the Post Office had been subsequently repealed and consolidated in the reign of Her present Majesty; but this power was retained, and in proof he might refer to the Oath of Office which was taken by the Postmaster General. That oath was in these words:—

"I do solemnly and sincerely declare that I will not wittingly or willingly open or delay, or cause or suffer to be opened or delayed, contrary to my duty, any letter or anything sent by the post which shall come into my hands or custody by reason of my employment relating to the Post Office, except by the consent of the person or persons to whom the same shall be directed, or by an express warrant in writing under the hand of one of the Principal Secretaries of State (or, as to Ireland, under the hand or hands of the Lord Lieutenant or other Chief Governor or Governors of Ireland), for that purpose, except in such cases where the party or parties to whom such letter or anything sent by the post shall be directed, and who is or are chargeable with the payment of the postage thereof, shall refuse or neglect to pay the same; and unless such letters or anything sent by the post as shall be returned for want of true directions, or when the party or parties to whom the same shall be directed cannot be found; and that I will not in any way embezzle any such letter or thing sent by the post as aforesaid; and I make this solemn declaration conscientiously, intending to fulfil and obey the same; and by virtue of the provisions of an Act passed in the first year of the reign of Her Majesty Queen Victoria, intituled 'An Act for the Management and Regulation of the Post Office.'"

That oath or declaration was taken under the Act 1 Victoria, ch. 32, and in a subse-

quent Act of the same Session, it was provided that—

"Every person employed by or under the Post Office, who shall, contrary to his duty, open or procure, or suffer to be opened, a post letter, or shall wilfully detain or delay, or procure or suffer to be detained or delayed, a post letter, shall, in England and Ireland, be guilty of a misdemeanor, and in Scotland of a crime and offence, and being convicted thereof shall suffer such punishment, by fine or imprisonment, or by both, as to the Court shall seem meet; provided always, that nothing herein contained shall extend to the opening or detaining or delaying of a post letter returned for want of a true direction, or of a post letter returned by reason that the person to whom the same shall be directed is dead or cannot be found, or shall have refused the same, or shall have refused or neglected to pay the postage thereof, nor to the opening or detaining or delaying a post letter in obedience to an express warrant in writing under the hand (in Great Britain) of one of the Principal Secretaries of State; and in Ireland under the hand and seal of the Lord Lieutenant of Ireland."

Now, he could not understand what the hon. Member for Shrewsbury meant in the course of his speech on the preceding night, by stating that the Secretary of State had no power whatever to issue his warrant for detaining and opening letters under the Statute. That the object of the Legislature in enacting the provisions he had read, was simply to prevent any clerk or sub-agent, or other subordinate person in the Post Office, from opening or detaining letters, not to confer any such power upon the Secretary of State. But would his hon. and learned Friend, who pursued the same line of argument, tell him why the Legislature should have taken the trouble to introduce anything about warrants from the Secretary of State, if its object was merely what his hon. and learned Friend had stated? If the Legislature only intended to prevent improper conduct on the part of inferior officers, why should it have made an exception in cases where a warrant would issue from the Secretary of State? The result of all these arguments was the opinion to which he had come—and which he humbly tendered to the House as his deliberate conviction, produced by all the consideration and inquiry he had been able to give to the matter—and that opinion was, that this being a power exercised by Common Law, and before any of the Statutes to which reference had been made were passed, these Statutes could not

confer the power, because it had already existed, but they recognised and sanctioned it; and it was, therefore, a legal power existing at Common Law, sanctioned and recognised by the Statute law of the land. Now, he willingly passed from this part of the case, and before doing so, he again begged to apologise to the House for dwelling so long on points with which they had really nothing whatever to do. He passed next to the consideration of the manner in which the exercise of this power affected the privileges of Members of Parliament. That was certainly a very delicate matter, and he knew that many hon. Gentlemen present were peculiarly sensitive upon it. He therefore feared that he might incur their censure when he expressed his opinion that Members of that House possessed no greater privileges with regard to the power of the Secretary of State over their letters than any other individuals in the community; and he ventured to maintain that opinion from the very words of the Resolution of 1735. In that year, as they were informed by the Report of the Committee,—

“Complaint being made in the House of Commons by certain of the Members, that their letters had been opened and read by the clerks of the Post Office, on the pretence of ascertaining whether or no the franks of these Members were counterfeited, and a copy of His Majesty's warrant, whereby letters of Members and certain public functionaries were permitted to pass free from postage, being read, it was ordered, that the copy of the said warrant be referred to the consideration of a Committee, and that they do examine the matter thereof, and report the same, with their opinions thereon, to the House; and on the Committee making its report, the House resolved, *inter alia*, ‘That it is a high infringement of the privilege of the Knights, Citizens, and Burgesses, chosen to represent the Commons of Great Britain in Parliament, for any Postmaster, his Deputies or Agents, in Great Britain or Ireland, to open or look into, by any means whatsoever, any letter directed to or signed by the proper hand of any Member, without an express warrant in writing, under the hand of one of the Principal Secretaries of State, for every such opening and looking into; or to detain or delay any letter directed to or signed with the name of any Member, unless there shall be good reason to suspect some counterfeit of it, without an express warrant of a Principal Secretary of State, as aforesaid, for every such detaining or delaying.’”

They had, then, a Resolution of the House of Commons, passed so long ago as the year 1735, in which it was expressly admitted that the Secretary of

State had the power of issuing warrants for the inspection of their letters. But the noble Lord, the Member for Sunderland, said, the power ought not to exist with regard to Members of Parliament, because it might be perverted by a corrupt Minister of the Crown, to party and political purposes. Undoubtedly such a result was possible, but what conclusion did he draw from that? He did not reason from the abuse of the power against its use or existence. He admitted that the power vested by law in the Principal Secretary of State became infinitely more dangerous, and that the issue of the warrant required infinitely more caution in the case of a Member of the Legislature, and that if it were discovered that the Minister exercised the power which he possessed in such a case for party or political purposes, he would justly incur the animadversion of the House and of the country. But while he admitted, with the noble Lord, the possibility of the power being so exercised, it should not be forgotten that the Reports of the Committee, both of the Lords and Commons, concurred in stating, that having looked back to the proceedings of several Secretaries of State during successive Administrations for more than twenty years, they found the practice had been nearly uniform; that the power had been very sparingly exercised, and never from personal or party motives; and that in every case investigated it seemed to have been directed

“By an earnest and faithful desire to adopt that course which appeared to be necessary, either to promote the ends of justice or to prevent a disturbance of the public tranquillity, or otherwise to promote the best interests of the country.”

With regard to the expediency of continuing that most important power, it was a question which ought not fairly to be included in the present Motion. Hon. Gentlemen might entertain very different opinions on this subject—and all have very sound reasons for their peculiar views; but in general, as far as he could gather the feelings of the majority of hon. Gentlemen who had spoken, he thought they were in favour of a continuance of the power, under certain restrictions; but he was afraid, if it were intended that the power should be in the smallest degree useful, it would be found utterly impracticable to impose any restrictions or conditions whatever upon it. He feared there was no alternative between the utter abolition of the power, and the

entrusting it, under the responsibility of his own discretion, to the Secretary of State, in whom it was invested. When the subject had been brought before the House last year by the hon. Member for Finsbury, his right hon. Friend (Sir James Graham) was placed in a most embarrassing position. He felt himself bound by his official duty, by what he owed to the public, to remain perfectly silent. It had been said that the right hon. Baronet might have prevented all discussion by a single word. True, he might; but why was not that word uttered? Because the right hon. Gentleman was restrained by an overruling sense of official duty. But there were Members of that House who knew the embarrassment of his position—who had themselves filled the office of the right hon. Baronet, and had exercised the power for the use of which he had been assailed. They knew the difficulties of his situation, and one word from them would have relieved him; but they remained silent. The word in due season was not spoken. Did the noble Lord and the right hon. Gentleman connected with the former Government get up for the purpose of preventing the odium attaching to his right hon. Friend in consequence of the exercise of this power? Were they even silent? On the contrary, they seemed to feel—they must forgive him the expression—inconsistently with the general manliness of their course, that his right hon. Friend was in a difficulty from which it was impossible for him to relieve himself, and not one of them came forward to his relief. In consequence of the cry which was raised from one end of the kingdom to the other, the position in which his right hon. Friend originally stood was altered. Silence had been originally imposed upon him as a duty, but the general feeling which prevailed now rendered inquiry necessary. He could hardly believe that the noble Lord and the right hon. Gentlemen on the other side of the House could have anticipated the manly course which would be adopted by his right hon. Friend. He could not help suspecting that they thought his right hon. Friend's lips were sealed by his official duty, and that he would not be able to come forward and court inquiry. When the hon. Member for Finsbury proposed the appointment of a Committee to inquire into the subject, his right hon. Friend, in a speech, the manly, calm, and dignified composure of which was calculated to produce the deepest effect on the House,

expressed his assent to the appointment of a Secret Committee; and then the noble Lord the Member for London, and the right hon. Gentleman the Member for Edinburgh, feeling that the practices not only of his right hon. Friend but of his predecessors would be made known, spoke out, and, joining with his right hon. Friend, contended that the Committee ought to be a secret one, and that the evidence ought not to be published. The Committee was accordingly appointed, consisting of Gentlemen of whom it had been said over and over again that there was not a Member of the House who would not intrust to them his honour, character, and whatever was dearest to him in existence. The House decided against the proposal that the hon. Member for Finsbury should be on that Committee; and upon that decision of the House he stood in precisely the same situation as any other Member of the House who was not a Member of the Committee. The right hon. Gentleman the Member for Edinburgh was pleased to say, that in consequence of the different constitution of the Committee in that House, and the Committee in the House of Lords, he would support an Amendment, which he dimly shadowed out, and which had been since put into shape by the noble Lord the Member for Sunderland. The right hon. Gentleman said, that it was proposed by the Government that no person who was a Member of the late Government or of the present Government should be a Member of the Committee, and that the hon. Member for Finsbury should also be excluded,—that he was struck with the apparent fairness and justice of the proposal, and had been beguiled into giving his vote for the exclusion of the hon. Member for Finsbury from the Committee. He must be permitted to say, that the right hon. Gentleman the Member for Edinburgh was not in the habit of so readily yielding up his judgment. He did not think that the strong man was so very easily bound and led away captive. He must assume that the right hon. Gentleman had exercised an unfettered judgment upon the subject; and that it was his deliberate conviction that it would be inexpedient that the hon. Member for Finsbury should sit upon the Committee. The hon. and learned Member for Kinsale (Mr. Watson) said, that the Committee had no power confided to them to report upon the law. He would have done better, if instead of diving into

his books, he had read the Report of the Committee, at the beginning of which he would find it stated that—

“The Committee of Secrecy appointed to inquire into the state of the law in respect of the detaining and opening of letters at the General Post Office, and into the mode under which the authority given for such detaining and opening had been exercised, and to report their opinions and observations thereupon to the House, and to whom several petitions were referred; have examined the matters to them referred, and have agreed to the following Report.”

Now this was a most important part of the case. What was the object in the appointment of that Committee according to the view of the right hon. Member for Edinburgh? He said there could be no doubt that the intention was, that this Secret Committee should state to the House, not particular cases, but the general principles upon which the Post Office, or other authorities, had acted—so that even upon this view they were called upon to report with regard to the state of the law. Their authority was ample and well defined; and how did they perform their duty? Turn to the ninth page of their Report, and the House would see who were the persons they called before them.

“Before entering, however, on this head of inquiry” (said the Committee), “they consider it proper to observe, that they have had before them, with a few exceptions, every person now living who has held the seals of Secretary of State for Home or Foreign Affairs, since the year 1822, as well as two noblemen who have discharged the office of Lord Lieutenant of Ireland, and several persons who have held confidential situations under them; and they have further examined the present Postmaster General, the Secretaries of the Post Office for England and Ireland, together with several of the most confidential officers in every branch of the Foreign Office, the Home Office, and the Post Office; and that all these witnesses, without exception, have made to your Committee the most full and unreserved disclosures; so much so as to have rendered it superfluous for your Committee to examine any other witnesses.”

The Committee, thus constituted, armed with these powers, and calling before them all the witnesses that were necessary to be summoned, came to a conclusion which, he would venture to say, to every generous and dispassionate mind, amounted to a perfect and complete acquittal of the right hon. Baronet. Nay, they showed that in some respects the practice of the right

hon. Baronet had improved upon that of his predecessors.

“There is a marked improvement,” (said the Report) “in the practice of the present Home Secretary as compared with that of his predecessors. Since the average duration of the warrants issued since September, 1841, does not exceed forty days, and in many cases it is as low as three or four days.”

The Committee fully exonerated his right hon. Friend from the charge of having exercised the power in an unworthy manner, and showed that that power had been used fairly and properly. But the hon. Member for Finsbury, who was not upon the Committee, and who was not considered by this House to be a proper person to form part of the Committee, presented himself with his witnesses to be examined. Did the Committee refuse to examine them? No. Why were they not examined then? Because the hon. Gentleman chose to impose a condition upon that examination, which would have been quite inconsistent with the duty the Committee had to perform. The Committee were ready to investigate every matter that was brought before them, and to have examined all the witnesses who might be produced. But they could not submit to the imposition of the terms on which alone the hon. Gentleman would permit those witnesses to appear. Therefore it was that the case of the hon. Gentleman was not inquired into. The House resolved that the Committee should be a secret one, and that the evidence should not be published, because the public interest required it; accordingly the witnesses who appeared before the Committee, felt that they were giving their testimony under circumstances which would relieve them from responsibility, and enable them to communicate matters which, if the seal of secrecy were taken off, it would be most impolitic and improper to communicate. And now the hon. Member for Montrose proposed that the whole of that evidence should be published; that they should undo all that they had so deliberately done, from a feeling of the absolute necessity that existed for secrecy, having constituted a Committee on that foundation, and examined witnesses upon the same principle; and publish the whole evidence, and thus give rise to all those mischievous consequences for preventing which the Committee was in the first instance made secret. Was the Motion of the hon. Member for Finsbury in—

tended to be for a public inquiry into all the subjects connected with the exercise of this power? Was it intended that the powers of his proposed Committee should be as extensive as those which were conferred upon the Secret Committee? Did he propose that all the practices and customs of the predecessors of the right hon. the Home Secretary should be investigated by his Committee? Not a bit. But his Motion was restricted to the warrants that had been issued from the 1st of January, 1840. Now, why was that? It would have been too palpable if the hon. Gentleman had dated the time of his Motion from the period when the right hon. Baronet entered upon his office. That would be, too obviously, a personal attack on the right hon. Baronet—therefore, in order that his Motion might not have so much of that appearance he extended his time, and added another year to the period for the Committee's inquiry. But there could be no doubt that the view was still to continue the obloquy and odium which, if it ought to attach at all, should attach to the power itself, and not to the exercise of it by the right hon. Baronet, who, if he had departed from the practice of his predecessors, had done so in favour of public liberty. When once an opinion had fixed itself on the public mind, it was hard indeed to eradicate it. The hon. Member for Finsbury had contrived to attach that feeling most unjustly and improperly, as he thought, on his right hon. Friend the Home Secretary; and now, by endeavouring not to investigate the particulars of the general exercise of this power, his object was to keep alive that feeling which was directed against the right hon. Baronet. He would not advert to the terms in which the hon. Member for Finsbury introduced his Motion—they had been properly characterized by hon. Gentlemen on both sides of the House. He thought he might venture to say, they went to the extreme verge of Parliamentary license. But that this was a personal attack on his right hon. Friend; that it had also conveyed a serious imputation on the Committee; and that it attached to them the opinion that they had not faithfully discharged their duty—were facts that could not be denied. Did the noble Lord's Motion improve the matter? Why if it were of a personal nature before, it became ten times more personal by the Amendment of the noble Lord. The hon. Member for Finsbury said, "The noble

Lord has taken the matter out of my hands, and has made it a personal matter between the Government and myself;" but the hon. Member would forgive him (the Solicitor General) if he said that the Motion of the noble Lord would not change the position which the hon. Gentleman had assumed from the beginning to the end of the debate. From the first it was a personal attack; it continued a personal attack; and at this moment remained a personal attack. And now the noble Lord, instead of confining the inquiry to the period chalked out by the original Motion,—limited as it was—actually proposed to restrict the inquiry to a particular exercise of the power by the right hon. Gentleman. Let him, then, appeal to right hon. Gentleman on the opposite side of the House. They had had occasion to exercise this power. They had exercised it with a due regard to the advantage of the country. What would they say if some individual case had been selected, and if that had been made the ground of a personal Motion against them? If they had been called upon in this House to account for the exercise of that power in such a case, would they not have felt that they had a paramount duty to the public not to allow any one who chose to assail them for the purpose of dragging into light the exercise of that which must be felt to be an odious power? Would they not have felt that it was hard to be called to question when, from the responsibility attaching to their official character, they were unable to make a full and complete defence? If that would be the feeling which would prevail in every noble and generous mind, he called upon the noble Lord and the right hon. Gentlemen opposite to have the same feeling towards his right hon. Friend. He called upon them to consider his case as their own, and to judge from their own feelings, and from their knowledge of all the circumstances connected with official character and responsibility, what ought to be the answer to such a Motion as that now under discussion? He felt that the time would come when this attempt would meet with its just reward. He trusted there were generous spirits in the House, who would not be caught by any observations which might be made upon this subject; who would see that all that ought to be done by men of honour and integrity had been done; that after the verdict which had been pronounced, his right hon. Friend

should not be called again to the bar of public opinion; and that they would reject the Amendment of the noble Lord, and the Motion of the hon. Member.

Lord John Russell said: I make no apology to the House for addressing it on the present occasion; but the noble Lord the Member for Tyrone has thought proper to say that I am to be blamed because I have not taken an earlier opportunity of addressing the House on the Motion of my hon. Friend the Member for Finsbury. Sir, I felt no necessity for rising. With respect to the question itself, there was a Committee appointed last year, which received the evidence of various Secretaries of State, and before which Committee the right hon. Gentleman produced the warrants issued by the various Secretaries who preceded him. I was examined before that Committee, and I gave them fully, as far as my knowledge and recollection served, an account of all that I had done when I had the honour of filling the office of Secretary of State. Such being the case, there is no need for inferring merely that I took part in transactions similar to those of which the right hon. the Home Secretary is accused; that I had signed warrants directing the opening of letters; and that I had acted generally as my predecessors and my successors have done. But Sir, for that matter, I did rise last night in the course of the debate, and it was by your decision that the noble Lord the Member for Sunderland was called on to address the House. Sir, I feel no difficulty either in stating my view of what the practice is, what was the practice I followed, or in how far I think the conduct of the right hon. Gentleman is justified, and how far there is still wanting explanation as to parts of his conduct. With respect to the law of the case I certainly cannot give an opinion further than this, that if the law did not intend that the Secretary of State should exercise this power, then to unlearned persons the Statutes of Anne, and the Statutes of Victoria are mere traps which ought not to have been set, and ought not to remain. I see that by the Acts of Queen Anne, and by the Acts of Her present Majesty, the clerks in the Post Office are not permitted to open letters unless by an express warrant in writing, signed by the Secretary of State. What am I, an unlearned person, to infer from such a law, except this, that with such a warrant, this proceeding is perfectly justifiable; and if I am now to

be told that persons in high authority say that such a proceeding is altogether illegal, all I say is, that you should make your law clearer—that you should place upon the Statute Book some law which it would have been perfectly easy for you to do, forbidding those persons to open letters on any authority whatsoever, and then no person filling that high office could doubt your intentions. But I think that persons who tell us that proceeding upon such warrants is illegal, should explain exactly what is the purport of the Statute of Queen Anne, and the exact position in which persons having charge of those voluntary Post Offices which the Queen's Post Office was intended to supersede; what would be the case in law if a person in London, engaging to send letters round the country, should have been found opening letters, and afterwards transmitting them—how far his conduct would have been criminal—what criminal proceeding would have been taken against him, or what would have been the nature of the civil action to which he was liable, and how he would have been punished. Upon these questions I profess to give no opinion; but if these warrants are really illegal, then I wish that these questions were cleared up for the benefit of those who can only act upon the apparent law of the case. Then, Sir, as to the practice. No doubt when last year it was discovered, owing to the questions of my hon. Friend, that letters had been opened at the Post Office, a great degree of public indignation was expressed, and an undue share of that indignation was directed against the right hon. Baronet the Secretary of State for the Home Department. For my part I can only say, with my hon. Friend the Member for Sheffield, that, as far as I can see, the conduct of the right hon. Baronet has been exactly like that of his predecessors in the same office, and that the power has been used generally to defeat the aims of conspiracy, and to preserve the peace of the country. When the hon. Member for Sheffield said he had counted the number of warrants issued for the three years previous to the accession of the present Government to be forty, and that the number issued during the three years the right hon. Gentleman had held office was forty-four, he concluded, rationally and justly, that so small a difference made no material alteration between the conduct of the present Secretary and his predecessors, and that there had been

no such exercise of the power as to call forth the statement of the hon. Member for Finsbury. But with respect to the power itself, when I hear hon. Members, moved by the expression of public indignation, declare that in no case ought letters to be opened, I do own that I have great doubts whether it would be safe or wise to act upon that opinion. It may be that such a power should scarcely ever be exercised—it may be that both preceding Secretaries and the present right hon. Gentleman may have exercised it too frequently without absolute necessity, and in some instances on erroneous information; but to declare by Act of Parliament, or by a Resolution of this House, that persons connected with conspiracy, that persons waging civil war against the Queen, are to be entitled to the use of the public Post Office of the kingdom,—that, indeed, would be a dangerous course to follow, having respect to the security of the public peace; for when you say that you will take this power from the Secretary of State, I hope that the House, before they do that, will well consider what are the powers and the means which they leave to the Secretary of State for preserving the public peace. Sir, it is well known that not many years ago, when Lord Sidmouth held office, he thought it was a fair and legitimate means of preserving the peace to employ the instrumentality of spies. My belief is that spies are themselves the cause of the risings and the tumults which they are employed to detect, and that persons were frequently convicted of criminal conduct to which they were led by the instigation of spies. I consider that spies are not only objectionable, but dangerous to the spirit of this free country. But are you prepared to enact, when you say that letters are not to be opened, that there shall also be no spies? At present their employment rests entirely on the discretion of the Secretary of State. I have always taken a view of the subject which induces me to think that spies ought not to be employed even in the most dangerous state of the country; and accordingly at a time when danger was apprehended from those who were then called Physical-force Chartists, when a Chartist called upon me and offered his services to detect the designs of his fellow Chartists, I declined his offer. I believe, Sir, that the employment of spies does not at present exist; but you have no sanction in law to secure you against that policy; no declaration on the

part of this House; no enactment to secure you against the employment of spies. The secret service money is placed entirely at the disposal of the Secretary of State, to be disposed of in a way which he believes to be most fitting for the service of the State; and if you enact that there shall be no opening of letters, are you secure—are you certain—that no future Secretary, anxious to preserve the public peace, feeling himself charged with the responsibility of its preservation, will not have recourse to means still more objectionable than the opening of letters? The spy is a man who goes among the people, and instigates them to acts which they would not otherwise have committed. The letter which is opened is at all events the writer's own sentiments and views. To proceed: there was a complaint made last year of the opening of letters in a case which did not appear to justify the Secretary of State on any ground, either of defence of the country from internal danger, or from foreign foe. This was the case of Mr. Mazzini, which has been referred to by the noble Member for Tyrone with somewhat of pleasantry, though to me it seems a matter calling for the gravest, if not the most melancholy reflections. As far as we can make out the history of that case, it is as follows:—Information was given, or rather a suggestion was submitted to the Government, that Mr. Mazzini was at the head of a party which were seeking to overturn some of the existing Governments of Italy, and especially the Government of the Papal States. In consequence of this information, the letters of Mr. Mazzini were opened at the Post Office, and the substance of the information so obtained was conveyed to a Foreign Government. There can be little doubt that this was the Austrian Government. Now, without being certain of the fact, it seems from what we have heard, that the two Bandieras, sons of the Austrian admiral of that name, living at Corfu, had written to Mr. Mazzini that they had a project for invading the Papal States. It appears that this information, and the names of the parties concerned, were communicated to the Austrian Government; for it is observable that it is carefully stated by both Committees, both the Lords and the Commons, that the names of persons residing within the power of a Foreign Government were not communicated, the case being, that the persons in question were residing at Corfu, and

not in the power of any Foreign State. The next we learn is, that a person visited the Bandieras in Corfu, and that, in the expectation that they would be joined by a large portion of the people, twenty-two men, armed or unarmed—for this point is differently stated—landed on the coast of Calabria, the person who had excited them to this enterprize accompanying them. We then learn that as soon as they had landed, this person went over to the authorities, procured the defeat of their design, and that they were soon after executed. Such is this melancholy history. I cannot think it affords any justification for opening the letters in question, on the ground of preventing a war in Europe. Nor do I think that such a case as this comes within the legitimate purpose for which this power was given. I am far from saying that the Government and the Crown were not, however, exercising that power with the view and with the intention of promoting the public welfare. Still less am I saying that the right hon. Baronet is peculiarly responsible for this exercise of power. On the contrary, I think the Foreign Secretary of State, the First Lord of the Treasury, in fact the Cabinet—the Government—are quite as responsible for such an extraordinary exercise of the power, as the right hon. Gentleman. And if any odium is particularly directed against him, I think that especial odium is unjust. I think that whatever blame is attachable—and I consider there is great blame attachable—is attachable to the Government collectively, and not peculiarly or solely to the Minister who happened to sign the warrant in this particular case. But the result is, that a Foreign Government, by threatening that troops should be set in motion, which threat probably would not have been carried into operation to any extent—by holding out fears of an insurrection, which probably after all would not have been of a formidable character—had influence enough to induce the Government of this country to inspect the correspondence of a foreigner residing among us in the belief that, if he obeyed the laws of this country—if he did everything which a loyal subject of the Queen could be expected to do—he would not be molested. We have seen what the consequence was in this particular case; and if this is to be formed into a precedent—if we allow any Foreign Power, if we allow Russia, with reference to the Poles—if we allow Austria, with reference to

all Italy—if we allow Spain, with reference to Spanish exiles—to put severally in force the powers of the Secretary of State, given for far other purposes, against exiles living here, this country will no longer be regarded as the land of hospitality, or that asylum for the oppressed, which it has been hitherto esteemed; and exiles from every place will regard England as a place where, instead of finding safety, they will be exposed to danger, and meet with treachery. With regard to that part of the case, I want no further inquiry, I do not think it is needed, and I could not therefore vote for the Motion of the hon. Member for Finsbury on that ground. The inquiry which has already taken place is quite sufficient; and the Report of the Secret Committee sufficiently describes the facts of the case, to enable the House to decide that the power was not properly exercised in this case, and to express its opinion that the power which has been so used should not be drawn into a precedent in future cases. The Motion of my hon. Friend the Member for Finsbury, however, alludes to a proceeding connected with himself, and calls upon us to grant an inquiry into it; and this is a very different case. The hon. and learned Solicitor General, in the speech which he has just concluded, alluded to my conduct when the subject of the inquiry into those proceedings was before the House last year; but I will not detain the House on this occasion by a defence of myself, for I fear, if I entered into any such defence, I should not be able to satisfy the hon. and learned Gentleman as to my conduct on that occasion. He blames me for not being favourable to the Queen's Government, when the case of Mr. Mazzini was brought before the House last year, and he next blames me for joining the Government, when it was proposed that the Committee should be secret, so that, whether I oppose or support the Government, I am not fortunate enough to obtain the hon. Gentleman's approbation. I must say, with respect to the Committee of last year, that it was fairly and justly appointed, and that I think it was right to leave out the name of my hon. Friend the Member for Finsbury when they were appointing that Committee. The Committee was, I think, fairly appointed, and consisted of persons of honourable and impartial character; but then the right hon. the Secretary at War, in his speech of last night, and the hon. and learned Member who has just

sat down, laid very great stress upon the fact of a majority of that Committee having been composed of Members of this House who are opposed in politics to the right hon. Baronet the Secretary of State for the Home Department. Now, Sir, I cannot think that there could have been any fear of an adverse Report proceeding from that Committee because the majority of its Members were opposed to the right hon. Baronet in their political opinions. I think, on the contrary, that men of honourable and impartial minds would be as likely to do justice to the right hon. Baronet on that Committee, if they were opposed to him, as if they were favourable to him in politics. If however, hon. Members opposite do not agree in my opinion, and if they think that the Secretary of State has sustained any injury in this respect, there is a remedy for it. Let them appoint another Committee of inquiry, and let them leave out the names of the hon. Member for Kendal and the hon. Member for Derby, and place on the Committee, instead of those, the names of the hon. Member for Knaresborough, and the hon. Member for Shrewsbury. Then the right hon. Baronet will have the satisfaction of having a majority of Members in the Committee who sit at the same side of the House with himself, and who will take, perhaps, a more favourable view of his conduct. With regard to the Report of the Committee, we have seen that they examined the subject very closely, they went far back into history, they described so many warrants that had been issued in former days, and showed so much antiquarian research, that I may wonder they did not go still further back; that they did not instance the case of *Hamlet*, Prince of Denmark, who opened the letters which had been committed to his charge, and got *Rosencrantz* and *Guildestern* put to death instead of himself. But they did not rest satisfied with antiquarian research, for as soon as they were done with that portion of their labours, they proceeded to give an account of various warrants issued by Secretaries of State, and said, as the Lords' Committee also said, that although they had been used by Secretaries of State for a considerable period, they believed that the power had never been applied to any personal or party object, but that it had been used—whether judiciously or erroneously—for the welfare of the country. They then go on in the Report to say,—

“Your Committee would have abstained

from giving particular information concerning any warrant, and from naming a single individual whose letters have been directed to be opened, but for the notice which has been taken of the mode of executing certain warrants, and the mention which has been made of the names of the parties included in certain others: these being the circumstances which have mainly led to the inquiry which your Committee has been appointed to conduct. On these cases, therefore, your Committee consider it their duty to report particularly.”

They then refer to five cases, first mentioning the period of the outbreak in the manufacturing and mining districts in August, 1842—to the period of the disturbances in South Wales in the autumn of 1843—thirdly, to the warrant to open and detain the letters of Mr. Mazzini—fourthly, to the warrant for opening the letters of Mr. Worcell and Mr. Stolzman—and fifthly, to the warrant to open the letters directed to Mr. Grodicki at Paris. If the Committee had abstained from mentioning any names or warrants, it might be supposed they thought the mention of particular cases imprudent; but here we have the names of several individuals, to open whose letters warrants were granted: we have a distinct mention of the warrants, and when the hon. Member for Finsbury stated that his letters had been opened, I cannot understand why the Committee stopped short and gave no information with respect to this case. It had been said by hon. Members opposite, that the letters of Members of Parliament are of no more consequence than the letters of any other person; and that the Secretary of State might as well direct the letters of the hon. Member for Finsbury to be opened as the letters of any of his constituents of Saffron-hill. Undoubtedly, if a Member of Parliament were engaged in a treasonable correspondence, or in any cause likely to promote sedition, and lead to a disturbance of the peace, the Secretary of State might open his letters; but that is not the question here—that is not the subject we are called upon to consider. We are called upon to say, when a Member of this House states that his letters have been opened, whether he is not entitled to be made acquainted with all the circumstances connected with that case; to have the statement fully investigated, and to have it ascertained if that Member was fit to represent a large portion of the people of this country. As a Member of this House, he is called upon to discharge serious and important duties—to pass the laws by which the peace of the country is pre-

served—to protect the interests of his constituents, and, if it were necessary, to cause inquiry to be made, with a view to the redress of any grievances which might affect those constituents, or be felt in any part of the country. If that be the position of a Member of this House, is it not fair, then, that when he states that his letters were opened, you should at least give him the benefit of showing that there existed no ground which would justify the opening of those letters; and, on the other hand, is it not just to enable us, if any treasonable or seditious correspondence were found, to say whether he was fit any longer to represent the people in this House? The hon. and learned Member for Bute referred to various cases of sedition, and rather implied, than otherwise, that my hon. Friend the Member for Finsbury was engaged in a correspondence having reference to those cases. [Mr. Wortley did not imply any connexion of the hon. Member for Finsbury with those proceedings.] Perhaps it was not the hon. Member's intention; but in the course of the debate it has been left so uncertain and doubtful—I do not say whether the letters of the hon. Member have been opened or not (because the Committee could have stated the plain fact of their not having been opened), but what were the circumstances under which that opening took place, and whether there were any grounds alleged against my hon. Friend for adopting such a proceeding—that it is most important my hon. Friend should have an opportunity of showing whether any such cause could exist for adopting such a course with respect to his correspondence. I heard with pleasure the able speech which was made last night by the right hon. Gentleman the Secretary at War; and I congratulate the House upon the eloquence and argument which it displayed, and which will, no doubt, make him a distinguished ornament to the House. The argument of the right hon. Gentleman, however, struck me as but little fitted to persuade the House of the impropriety of such an investigation as the Amendment of the noble Lord the Member for Sunderland requires. The right hon. Gentleman says, that the charge of the hon. Member for Finsbury is mere guess-work at present; and states that the hon. Member, by seeking to have this investigation of the circumstances entered upon, does not seek to elicit the truth. Now, I have been always led to believe that the gentleman who is desirous to elicit truth is fa-

vourable to inquiry; and that he who is not desirous of the elucidation is opposed to it. However, the right hon. Gentleman the Secretary at War laid down a different principle. He says that the man who is favourable to the elucidation of truth will be desirous to close all inquiry—to leave the circumstances the subject of guess-work, and allow them to be enveloped in mystery; but if a man wishes for full investigation, and is desirous of inquiry into the facts, then he is surely against the elucidation of truth. Now, that species of argument seems to me to be little calculated to convince the House that the hon. Member for Finsbury is not desirous for the elucidation of truth. Why should we not inquire into the charge which relates to the opening of the hon. Member's letters? Why not agree to a short inquiry, in order to set right the character of my hon. Friend the Member for Finsbury? If we allow the case to remain without investigation; if we allow this charge to pass, and let it be said, that when a Member complained that his letters were opened, the House was satisfied, and there was no inquiry because the Government opposed it, I am afraid it will be calculated to shake the character of this House with the public. It cannot be that the House will not suffer in public estimation by adopting such a course. We are told that this is a persecution of the right hon. Baronet the Secretary of State for the Home Department. But I will ask, is it right that every sort of imputation should be thrown out against a Member of Parliament, and that nothing should be brought forward in his favour; that he should be allowed no inquiry, and have no redress afforded him? The hon. and learned Member for Bath said, he believes that his letters were opened in 1837 and 1838. Now, I know no imputation whatever upon the character of that hon. and learned Gentleman. I know that he was at that time agent for Canada; and I know, whatever might be my own opinion of his views on that occasion, that he conducted the case with great ability and honour in favour of those whom he represented; and I must say, that if he should think fit to ask for an inquiry, I shall vote for an investigation of the facts of the case. If a Member of this House be suspected of treasonable correspondence, if his loyalty be suspected, or that there is any doubt thrown upon his fitness to be a Representative of a portion of the people of this country, then it is

but just that we should agree to an inquiry which would settle the matter in one way or another. Such is the result of the consideration which I have given to the whole case. I think with regard to the Secretary of State for the Home Department there is no imputation upon him, and that he was neither the first to adopt this practice, nor that he exercised the power more extensively than it had been used before; but I say that to allow the case to rest where it is, would throw an unjust imputation where it ought not to attach. I think, with regard to the case of Mazzini, that blame is attributable to the Government, and that they adopted in this case a new and extraordinary course, which has led to melancholy results, and ought never to be repeated, if we are desirous to avoid a perpetual stain upon the fair fame and character of the land. With regard to the charge of the hon. Member for Finsbury, if you wish to do justice you ought not to refuse inquiry; and the noble Lord the Member for Sunderland has moved an Amendment, which will have the effect of obtaining that investigation. If there were a warrant issued in that case, the Secretary of State will be thus afforded an opportunity of showing that he exercised a true discretion for the public good, and showing reasons for his conduct satisfactory to this House and the country; but, on the other hand, if you refuse all inquiry—if you shut up the question altogether—you may rest as you are for the present; but depend upon it that the public mind will not be satisfied with your conduct, and that unfounded imputations—for unfounded many of them are—will continue to exist; and you will be obliged at last either to surrender altogether a necessary power, or to grant that inquiry which you before refused.

Sir *R. Peel* said: Sir, in consequence of the Amendment which has been proposed by the noble Lord the Member for Sunderland, I am enabled to address you for the second time during this debate without any breach of the forms of this House; but as I have already declared fully and explicitly my sentiments upon the subject of the original Motion, I shall not avail myself of the privilege to enter into the subject on this occasion. There are, however, one or two points which have been adverted to in the course of the debate, with respect to which I wish to offer a few observations. It has been implied in the course of the debate—an hon. Member who spoke last night seemed

to say—that I referred to the hon. Member for Finsbury, in reference to the Chartist movements in 1842, and that I attempted to connect him with them. The first person who put that construction upon my language was the Colleague of the hon. Member himself; and in reference to that construction of my words, I now say, that I emphatically and distinctly deny it. The hon. Gentleman said, that I indirectly alluded to the hon. Member for Finsbury; and in answer to that I say at once to him that an indirect allusion would be much worse than if I had stated the fact directly. As the course taken by the right hon. Baronet the Secretary of State for the Home Department, and myself, obliges us to decline answering any questions with respect to opening the letters of the hon. Member for Finsbury; as I say that my public duty prevents me from answering such a question—I should feel that I took in my situation a most ungenerous advantage, if I implied one word against the hon. Member; and I think I may appeal to my public conduct for thirty years to confirm my declaration that I am incapable of taking an ungenerous advantage of an opponent. So far as such an imputation on the hon. Gentleman is concerned, I therefore utterly and entirely disclaim the construction which has been put upon my language; and I assure the hon. Member that, with reference to him, such an idea never entered my mind. When referring to the state of the country in 1842, I cannot conceive how it was possible that any one could suppose I could have an intention of connecting him with those proceedings, or that he was capable of any act which rendered him unworthy of a seat in this House. It is true I might, without mentioning his name, convey an insinuation against him; but that would be still worse than if I had named him. The Motion of the hon. Member is, in fact, not a personal Motion, but for an inquiry as to the proceedings with respect to “the mode in which letters have been detained, opened, and resealed at the General or at any provincial Post Office; and also into the circumstances under which every warrant for that purpose has been issued by any Secretary of State from the first day of January, 1840, to the present time, the said Committee to report their opinion thereon to the House, and also whether it is expedient that the practice should be continued”; and the Committee he seeks for, is to inquire

whether any alteration in the law is necessary: and in bringing forward that Motion the hon. Member brought forward several successive charges against us. In the first place, he said that we fabricated warrants to detain and open letters; then he told us that we were more responsible for the blood of certain unfortunate Italian refugees, who were shot, than the soldiers who pulled the triggers which deprived them of their lives; and lastly, he said, that we were chargeable with having issued more warrants for searching letters during our period of office, than had been issued in the same period by any preceding Government. He then said, that the right hon. Baronet the Secretary for the Home Department had exceeded his power; that he issued forty-four warrants in three years, and exceeded in the number of those warrants any preceding Secretary of State. I rose to answer that allegation of an abuse of power; and how was I to answer it but by the facts which I produced? I proceeded to show that the state of the country in 1842 was such as to justify my right hon. Friend in using every power of the law and the constitution, to ensure precaution against disorder. I appealed to the language which was held in 1842, and it was said that we did not credit that; but I can state that we had too much reason to credit that language. I know the position in which my right hon. Friend was in August and September, 1842; and I assure the House that no language could be used which could exaggerate the danger which then existed. We heard in 1842 of one town in which, during the winter of that year, 17,000 persons rose in the morning without the means of employment, on which they depended for subsistence. We knew well the state of this metropolis at that time—we knew the state of Manchester—we knew the state of the manufacturing districts; we are now taunted for having disbelieved the allegations made in this House as to the state of the country? but we knew that it was a state of real and serious peril, and that it was our duty to use the utmost of our power to protect the public peace. That was the reason why I referred to the state of the country in 1842, and not, I assure the hon. Gentleman, from any intention in the slightest degree to connect him with proceedings calculated to endanger the public peace. That was one of the points with respect to which he wished to offer some explanation; and there is another point to which

I also wish to advert. The hon. Member for Shrewsbury, in the debate last night, declared that it was his intention to support the Amendment of the noble Lord the Member for Sunderland. In the course of his speech the hon. Gentleman observed, that I had, when I addressed the House on this subject, displayed a great apparent warmth; that when I addressed the House, I was emphatic in my action; and he undertook to assure the House that my warmth, although we were accused of being the cause of the shedding of innocent blood, and with fabricating warrants—with having abused and exceeded our power—that my warmth was simulated, and that I was acting the part which I thought convenient for the occasion, that of a choleric gentleman. It is certainly very possible to manifest great vehemence of action, and yet not to be in a great passion. On the other hand, it is possible to be exceedingly cold, indifferent, and composed in your manner, and yet to cherish very acrimonious feelings. Notwithstanding the provocation of the hon. Gentleman, I will not deal so harshly with him as he has dealt with me. He undertakes to assure the House that my vehemence was all pretended, and warmth all simulated. I, on the contrary, will do him entire justice; I do believe that his bitterness was not simulated, but that it was entirely sincere. The hon. Gentleman has a perfect right—who questions it?—to support a hostile Motion. It is perfectly open for the hon. Gentleman to let the debate proceed for two nights; and, finding that the Motion is not exactly put in a convenient form, to try to ascertain what is the mode of amending it which may be most captivating and convenient. He is at perfect liberty to give a direct support to the Motion; but all I ask is, that when he gives that support to the Motion, let him not say that he does it in a friendly spirit:—

“Give me the avowed, erect, and manly foe;
Firm I can meet, perhaps can turn the blow;
But of all plagues, good Heaven, thy wrath
can send,

Save, O save me, from a candid friend!”

Here we meet in debate with our opponents opposite. We enter into conflict with them, mutually attacking and repelling attack *adverso fronte*. When engaged in that conflict, it is certainly not very convenient, though it may be unavoidable, to have a blow aimed at your right flank which you did not expect. Be

it so. It cannot be helped ; but all I ask is, do not let your "balm break our heads." In the course of his speech the hon. Gentleman made this charge against me :—The hon. Gentleman said—and it appears to me quite an unnecessary allusion, for the sake of his argument—it was notorious that I was in constant correspondence and communication with a gentleman who had been engaged in Despard's plot—who was now a Member of the Government—and speaking of whom I had declared that he was a friend of mine, and that I was proud of his friendship. Putting these observations together, and considering that the Gentleman alluded to is a Member of the Government, and that I had avowed my friendship for him, I cannot find any other person to whom these observations will apply than an hon. Friend of mine, of whose friendship I am proud, and who was subjected by an hon. Gentleman, in the beginning of last year, to a charge which was really laughed at by the House before I had an opportunity of defending him. I cannot doubt that these observations of the hon. Gentleman are applied to Mr. Bonham, who holds a civil situation in the Ordnance. Now, the conspiracy of Despard took place in 1802. Forty-three years have elapsed since then ; and I am not sure whether, considering the great lapse of time which has occurred—considering that my hon. Friend was a young man at that time, when party passions ran high—recollecting also what took place at that period, both in Ireland and this country—I am not sure that it would be very charitable to revive the recollection of what passed so long back. On the whole, I should think it better not to revive the recollection of such a period ; but if a man had changed his feelings, and altered his mode of life, I should be disposed to extend that oblivion which is consistent with true charity over even culpable proceedings of early years. But, at the same time, I am bound to say, that, considering the nature of Despard's plot—considering that one of the counts of the indictment was to the effect, that Despard and his associates intended to burn the Bank and slaughter the peaceable inhabitants of this city—but considering, above all, that they contemplated the murder of their Sovereign on his way to Parliament ; I am not sure that the lapse of forty-three years would justify me

in recommending a man who had been engaged in such a plot for a civil situation in the Ordnance Department. I have been speaking upon the assumption that this hon. Friend of mine was actually engaged in the plot. What will the House think of the hon. Gentleman the Member for Shrewsbury when I state that the imputation is entirely without foundation ? It is really and truly as utterly without foundation to say that my hon. Friend was concerned in Despard's plot, as it would have been if the hon. Gentleman had stated that he was concerned in the Gunpowder Plot. I have received this day a letter from him, which I will, with the permission of the House, read. He writes—

"I have this moment read a speech of Mr. Disraeli's in which, though my name is not mentioned, it is impossible for me, in reference to the situation which I have the honour to hold, and the kindness with which you were pleased to speak of me in the debate of last year, to misunderstand. It charges me with being concerned in Colonel Despard's plot. I find, on referring to the *State Trials*, that the trial of Colonel Despard took place in 1803. The plot was in the preceding year, 1802. I was then sixteen years of age, in attendance on my father, who was then at Bath, suffering under a severe and lingering attack of paralysis, and myself under a private tutor there. My age would probably exempt me from the suspicion of being concerned in the transaction ; but if not, I state explicitly that I had no more concern, direct or indirect, with Colonel Despard and his associates than yourself."

He then goes on to a painful subject :—

"However, that I may not be charged with withholding from you or others anything which could have given rise by possibility to such a misrepresentation, I should state that it was my misfortune (or still more his against whom no specific charge was ever made), that my half-brother, fifteen years older than myself was, with Lord Cloncurry, under the suspension of the *habeas corpus*, confined in the Tower in 1799. I need not say that my age was then sixteen."

Now, I ask the hon. Gentleman, having the advantage of this sort of foundation for his statements, but having also the means, I presume, of ascertaining the particulars of Mr. Bonham's conduct—I ask whether he thinks it fair to charge a gentleman enjoying the favour of his Sovereign, with having participated in Despard's plot, he being then a boy sixteen years old ? Was it fair for the hon. Gentleman to have made that charge against

Mr. Bonham, there being the readiest means of ascertaining how utterly it was without foundation? I do not know whether the hon. Gentleman had heard of the circumstances to which Mr. Bonham in his letter, alludes—namely, the misfortune of the confinement of a half-brother of his, some years older than himself; but would it not have been fairer for the hon. Gentleman to have ascertained the facts, before he charged my hon. Friend with participation in such a conspiracy? These, Sir, are the two points on which I wished to address the House. As I said before, I don't mean to take share in the general discussion into which I had before an opportunity of entering. Sir, I spoke before under feelings under which I speak now, that you are meditating an act of great injustice towards Her Majesty's Government. It was disclosed last year, that letters were opened by my right hon. Friend the Secretary of State. In consequence of the part taken by our predecessors it became necessary to submit the whole matter to a Committee of Inquiry. The House chose its own tribunal. By an unanimous vote—at least without a division—you determined to appoint a Secret Committee. Now, let us consider what is the relation in which this House stands before the public. You chose to have the inquiry conducted by a Secret Committee. You approved of the names of the Gentlemen who composed that Secret Committee. I know not whether you did this unanimously; but I know that the noble Lord the Leader of the Opposition against the Government, delivered it as his opinion that the Committee ought to be secret, and that the constitution of the Committee was a perfectly fair one. A division was taken upon the question whether the hon. Gentleman should be a Member of the Committee or no. If I recollect right, the hon. Member for Finsbury stated that he had himself no wish to be named on that Committee; he begged his Friends not to divide on the question. I assured him at the time no personal disrespect was intended by his exclusion; the hon. Gentleman acquiesced in the exclusion; and in order to show that exclusion was not marked, Lord Radnor—who moved for the Committee in the House of Peers—was excluded also. You invited us to appear before that Committee, and disclose every fact of which we had cognizance. It is too late now

for you to say that the constitution of the Lords' Committee differed from the constitution of your Committee. You knew that three days afterwards. It was appointed on the 14th of July. Members of the late Government were upon it. Its constitution was different, but you made no objection at the time. You did not urge that as a fatal objection to the proceedings before the Committee. I submitted a general form of words to the hon. Member for Finsbury; he objected to them; he asked me to modify them, and at his instance I did. He was satisfied. [Mr. T. Duncombe: On the understanding that I should be present.] Yes; on the understanding that the words would enable the hon. Member to be present. The hon. Gentleman then declared that he knew his letters had been opened. You knew the fact then on which you are now raising a question of privilege. At the time that Secret Committee was appointed, you knew that the hon. Gentleman charged us with having opened his letters. Sir, I have been surprised at the manner in which you have tried to overcome that difficulty. You say it was done jocularly. You say that the hon. Gentleman was speaking in a jocular mood, as if he had said, "I dare say you opened my letters." Why, what were the real expressions used by the hon. Gentleman? He said, on the 18th of July, "I believed then, and I believe now, I am in a condition to prove that my own letters have been opened." Why, what can be more emphatic than that declaration—"I am in a condition to prove that my letters have been opened?" and the hon. Gentleman concluded his speech by putting to my right hon. Friend the same question he puts now,—"Did you or did you not open my letters?" The hon. Gentleman had as much cognizance of the fact—he had as much reason for supposing that his letters were opened then as now; he told you so. He said he was in a condition to prove it. The course you chose to take, the course you took unanimously, was to appoint a Secret Committee, in order that we might have no pretence for withholding information from you. We gave it—we gave it without reserve—we gave you every warrant—we stated to the Committee the reasons upon which we had acted. That Committee being secret, as the noble Lord says it ought to have been—that Committee, constituted of honourable men

—reported in our favour, so far as our intentions and honourable motives were concerned. We got a verdict of acquittal. We did not stand upon confidence. If we had stood upon confidence, we should have refused examination and stood the test of a division. We said, “We will submit our conduct to examination, and appear before the tribunal of your selection.” It entered into the inquiry; it received all our evidence. It examined us as to our motives; it gave a verdict decidedly in our favour; and now, reversing every principle of justice, you propose to submit us to another inquiry and another trial. Sir, standing here before the public, I know that, ordinarily speaking, the men in Government, and the men in Opposition, can have no reserves. But there are circumstances which do unavoidably in some degree affect that relation. I was invited, after my accession to power, to be a party to an attack on you [addressing the Members of the late Government] with respect to proceedings which had an unfortunate result in India. I positively refused to be any party to that attack. I said, “No, we are now in possession of official communications—we know the real facts of the case. The course which is legitimate in Opposition is not legitimate in Government. We have a powerful support here.” I did not concur in that Motion, although I was supposed to have acted with too much delicacy in the course I took. I know your position as well as you do. I know well, and state it before the country, that we have exercised no power that you did not exercise. In no single instance have we extended this power. I admit that in the exercise of it in critical times, we may have been liable, as you were, to mistake. I may admit we have stopped a letter which proved no discredit to the party, and which subsequent information has satisfied us there was no foundation for detaining; but that was your position also. You concurred in the appointment of this tribunal; you know we have done nothing you did not do yourselves. I envy you not your sorry triumph, if you shall succeed in subjecting us to a second trial, and provoking anew a condemnation from which we have escaped. The noble Lord says, we were wrong in the case of Mr. Mazzini. I admit that in the case of foreigners this power ought to be exercised with a reserve greater even than with re-

gard to subjects of this realm; but I cannot acquiesce in the doctrine of the noble Lord, that under no conceivable circumstances—not even if the peace of Europe was at stake—should this power be resorted to. Nothing is more unwise than to lay down a general principle of that kind. I think, that when one of the Bonapartists was fitting out an expedition in this country, to create a convulsion in France, it would have been justifiable to resort to this power, however objectionable, in order to prevent the shores of this country from being the spot from which civil war should be carried into France. Sir, each case must be decided by its own special peculiarities. It is difficult to lay down any general rule. Sir, at a future period I shall be prepared to discuss the question whether there should be any alteration in the law; but this I will say, I will not purchase an acquittal for the Government by consenting to any alteration in the law, or by intimating a readiness to acquiesce in it. Condemn us, if you will. We won’t avert your sentence by making any promise with respect to the sacrifice of an important power. Let it rest upon its own basis. Again, I ask you to remember the position in which we were placed in the years 1842-3. Remember the danger with which we were threatened; remember our success in averting it, almost without bloodshed—without resorting to spies—without applying for any extraordinary powers, and conducting the trials with a spirit of equity and moderation which extorted from hon. Gentlemen opposite almost unanimous praise. We did that. We are now enjoying tranquillity. Speaking of Great Britain, there probably never passed a year in which there was more of social contentment, and less disposition, speaking of political offences, to disturb the public peace, than during the last year. We have had our trial. You chose the tribunal: you approved of the nature of it. Recollect these things. Expose us, if you will, to a second trial; avail yourselves of the popular indignation, which, if applicable to all, is applicable to the principle, and not to the men. Succeed, and again I say I would rather be in the position of a man defeated by your injustice, than be one of a majority by whom that injustice was inflicted.

Mr. *Disraeli*: Having already spoken to the question before the House, I have

no right left again to address it; but after the appeal of the right hon. Gentleman, I think I may be permitted, at least by way of explanation, to say a few words; and if I deviate beyond the limit of explanation, I think I may appeal with confidence to the generous indulgence of the House to excuse me. I will not stop now, though the House may permit me afterwards, to allude to and give the reasons why I made a statement which proves to be utterly unfounded. The statement, I beg to assure the House, for my own vindication, was not made lightly, though it was made without the least premeditation; but I wish at once to acknowledge that I have committed a great and grievous error, and I am not ashamed to acknowledge it. I am glad the House is so full that I can offer to the Gentleman whose conduct I have so misrepresented an ample, a complete, a frank, and a hearty apology. I deeply regret that I have been led to make such a statement; but I can only say that there is no language at my command that can express my deep pain that I have, without cause, and without foundation, injured his feelings. If it be possible to convey to that Gentleman in any other manner the expression of my regret, I shall do so; but I do not think it can be offered to him in a manner more satisfactory than in the place in which the misrepresentation was first promulgated, and in a House so full as the present. I repeat, the reference was perfectly unpremeditated, and I believe it was so recognized by the House at the time. A taunting cheer from the right hon. Baronet called my recollection to the circumstance, which I admit I thought might not be agreeable to him; but at half-past eleven o'clock, in the excitement of debate, there are perhaps few of us who would be superior to the weakness. I have distinctly stated the real circumstances under which the allusion was made. The fact had been represented to me, not second-hand, that the Gentleman in question to-night was concerned in the transactions referred to; and I am sure it must be highly satisfactory to him that this exculpation of his character has occurred. The right hon. Baronet has made some observations which I am prevented from noticing. He has had four-and-twenty hours to arrange an impromptu, but I must be silent. I must however, by way of explanation, correct the right hon. Gentleman, in one of his

statements. He has said that I was the cause of this Amendment being proposed. [Sir R. Peel: "No, no."] Far from being the cause of the Amendment, I very much opposed it when suggested, because I knew it would give the right hon. Gentleman the opportunity to speak twice.

Sir J. Hanmer rose to explain:—The right hon. Gentleman at the head of Her Majesty's Government has made some observations as to the Amendment proposed by the noble Lord the Member for Sunderland, and I therefore deem it right that I should state what I know with regard to that Amendment; because the right hon. Gentleman has indulged in some observations, in which he appeared to me severely to impugn the right of those hon. Gentlemen who sit on this side of the House to act in the manner in which, as I am about to state frankly and boldly, I have done. I am not about to utter again my opinion with respect to the conduct complained of by the hon. Member for Finsbury. I stated that opinion frankly and boldly on a former night; and the House will do me the justice to acknowledge, whether that opinion was correct, or whether it was erroneous, that I strictly confined my observations to the case of the hon. Member himself. I said, that I put on one side the question with respect to Mr. Mazzini, because, if that alone had been brought under the consideration of the House, as I had thought it would have been, I should have voted against the Motion. I am speaking, Sir, on a serious question, which concerns the independence of Parliament. Well, Sir, I was anxious to confine my observations to the case of the hon. Gentleman the Member for Finsbury. I spoke to that effect, and if I did not speak so forcibly to that effect as I could wish, that was my intention. I thought that a great many extraneous observations had been introduced into the debate; but I was exceedingly desirous that justice should be done to the hon. Gentleman. When I came down to the House I spoke to my noble Friend the Member for Newark, who is sitting beside me (Lord J. Manners), and expressed to him my great desire that this question should be confined within those limits. I wrote upon a scrap of paper, which I believe I have in my pocket now, an Amendment, not in the exact words, but precisely to the effect of the Amendment proposed by the noble Lord the Member for Sunderland. Sitting here in my place, the noble

Lord the Member for Sunderland came to me and said he understood—for he was not in the House in the former part of the debate when I spoke—that I had expressed an opinion with regard to confining the question to the hon. Gentleman. I said that I had expressed such an opinion, and that I was anxious, as an independent Member of Parliament, to have the judgment of Parliament upon that question; but, as I had spoken before, and considering that I was not a very good speaker, I thought it best not to present myself again to the consideration of the House; yet, so anxious was I that the case of the hon. Gentleman's letters should be submitted to the House, if his noble Friend, in the course of the evening, would propose such an Amendment, I would vote for it. The noble Lord said that he was of a similar opinion, and read me a paper to the same effect as my own. I then said, "That being the case, from your position in the House, and from your long standing, you will be the most proper person to take this course, and I will support it." I hope that I am not speaking hastily, and that I am not stating anything which, upon further consideration, I shall see cause to regret; but I think that the observations of the right hon. Gentleman (Sir R. Peel) do seriously impugn the independence of Parliament. I entertain that opinion now, and it is not for the first time. As an independent Member of this House, I give a general support to the right hon. Gentleman; but I am perfectly free, under some circumstances, boldly and frankly to declare, that I will act with the noble Lord if it shall seem proper for me so to do. If I am wrong in taking this course, I will not act any longer in this House. I will not condescend to be called the Representative of the people of England, if I cannot bear that title. For my acts and for my discretion I am responsible to my constituents; but, so long as I continue to sit in Parliament, so long will I maintain the independence of a Member of Parliament. I will not submit to have my position called in question by any man, not even one possessing the power and the high station of the right hon. Gentleman, as one unbecoming an independent Member of Parliament.

Sir George Grey said, that it was not his intention to express any opinion as to the differences which existed between the right hon. Gentleman on this ques-

tion, and some of those hon. Members of that House, who might be ranked amongst the supporters of the Government. He would only say, that any one who respected the independence of Parliament could not but feel some satisfaction at the symptoms of mutiny and rebellion which they had just witnessed—against that compulsory principle which one of those hon. Gentlemen, the hon. Baronet the Member for Essex, the other night had frankly declared was the principle on which a large portion of the hon. Gentlemen sitting on that side of the House had hitherto supported the right hon. Gentleman. Nor was it his intention to protract the debate by any lengthened observations at that hour—a debate which he thought, considering the aspect in which it was now presented to the House, and the narrow issue to which it had been reduced by the Amendment of the noble Lord the Member for Sunderland, had already exceeded those limits within which it might reasonably have been restricted. That issue, narrow and obvious as it was, had been altogether evaded by the right hon. Gentleman at the head of the Government. He (Sir G. Grey) had certainly expected that the right hon. Gentleman, as he had already addressed the House upon the original Motion of the hon. Gentleman the Member for Finsbury, in availing himself of the forms of the House, which allowed a Member of that House to speak on an Amendment after he had spoken to the original question, would at least have addressed himself, not, as before, to the original Motion, but to the Amendment. He repeated, however, that the right hon. Gentleman, finding it more convenient to address himself again to the original Motion, had altogether declined to meet the noble Lord the Member for Sunderland on the issue put to the House, and which would be the real issue, on which hon. Members would be called upon to vote. Not that he undervalued the importance of the general question. It was because he felt its importance—because he felt that, after the discussion which had taken place, and the revelations which had been made, some legislative enactment upon the subject was urgently demanded; it was on this account he regretted that the time of the House had been exclusively occupied for three nights in the discussion of a mere preliminary Motion—a discussion which seemed to lead to no direct legislative measure. He should have been glad if, after the discussion of

last Session—if, after the appointment of Committees by the two Houses of Parliament—if, after the Reports of these Committees, they had been enabled to proceed to the consideration of some legislative measure submitted to the House by Her Majesty's Government, in order to place the law on the subject on some definite footing, it being clear from the opinions expressed in the other House of Parliament, and expressed that night by his hon. and learned Friend who had lately addressed the House, that the law on the subject was in a most unsatisfactory state, and that a Bill should be proposed, either for the abolition of the power at present exercised by the Secretary of State, or for subjecting it to some such restrictions as had been suggested by his right hon. Friend the Member for Edinburgh. He must say, that for the delay in public business and this consumption of time, Her Majesty's Government are mainly, if not exclusively, responsible. Returning, however, to the question now proposed to the House—he was speaking of the Amendment—it was not directed to inculcate the Government. The right hon. Gentleman the Secretary at War, in the able speech which he delivered on the previous evening, and the right hon. Gentleman the First Lord of the Treasury, in the speech which he had addressed to the House that evening, had treated the Motion as one criminating the Government; and the right hon. Gentleman the Secretary at War had stated that it was both unjust and ungenerous, after charges had been brought against the Government last Session, and Committees had been appointed to investigate these charges, and after the free and unreserved disclosure of all the facts connected with the case, made both by the present Government and their predecessors in office—that it would be both unjust and ungenerous, now that the Government had obtained a verdict in its favour, to repeat the charge, and to force them again to undergo the ordeal of an investigation. If that was the question before them, he should agree with the right hon. Gentleman. He thought that after the verdict of the Committee, it would certainly be unfair to repeat the same charges, and again, upon these charges, to subject the Government to the ordeal of an investigation. But that was not the question now presented. The question was not whether the Government, in the exercise of their power, had acted with discretion, or whether they

had exercised this power in a way which must subject them to the censure of that House. On these points they had obtained a favourable verdict from the Committee, and to that verdict he cordially subscribed. But if the Government had obtained a favourable verdict from the Committee, and claimed the benefit of that verdict, he would ask, whether it could be asserted that the hon. Gentleman the Member for Finsbury had obtained such a verdict also? That hon. Gentleman in his place in that House had asserted a fact, which he said was within his knowledge, that his letters had been detained and opened; and he had addressed a question to the Government to know if such had been the case. The right hon. Baronet had said that that allegation had been made in the course of the last Session of Parliament. Now, he understood the hon. Gentleman the Member for Derby (Mr. Strutt), a Member of the Committee, to have stated in his speech which he had that evening addressed to the House, as one of the reasons why the Committee did not report upon that charge, that the charge had not been specifically made in the course of last Session; that it was put merely as a hypothetical case; and he hinted at other reasons, such as a difference of opinion in the Committee, which had induced them to abstain from reporting upon it. What, then, was the position of the hon. Gentleman the Member for Finsbury? He made a distinct allegation that the Government had directed his letters to be opened. This fact must cast on the hon. Member suspicion of a grave nature, so far as any act of a Government can attach suspicion to any Member of that House. What did the Committee report? Any one who read their Report would find that if any opinion upon this point was to be inferred it was virtually against the hon. Gentleman. The Report stated that in no case within the cognizance of the Committee—and they had seen the warrants which had been issued for a space of time covering twenty-two years—in no case had these warrants been granted, or letters opened under them, for any other purpose than that of detecting crime, and maintaining the public peace. It must, therefore, have been in the contemplation of the Government that the hon. Gentleman the Member for Finsbury was concerned in some seditious or treasonable correspondence. That hon. Gentleman thus stood in that House with a heavy suspicion

attached to him, and asked the House for what he had never known it deny to any man since he had had the honour of a seat in that House; he asked either for a denial of the allegation, or that the means should be afforded him of a full, fair, and complete investigation, with a view to the vindication of his character. He would now ask what had been the course of the Government? They had locked themselves up in impenetrable mystery, on a subject on which he could not conceive the grounds for such mystery. If, during the first night of the debate, they had denied the allegation at once, an end would have been put to the question concerning the hon. Gentleman the Member for Finsbury. If, on the other hand, having already obtained the verdict of the Committee which had acquitted them of an improper exercise of the power, they had frankly avowed that they had opened the letters of the hon. Gentleman, that would have been a manly and intelligible course—either course would have saved the House two nights of discussion. They seemed, instead of this, to have purposely adopted a course of evasion and mystery, but for what object he could not conceive. They maintained that it was inconsistent with their public duty to state openly that which their silence so clearly indicated. What, then, was the position of the hon. Gentleman the Member for Finsbury? The Committee, it was said, had investigated his case. If it had done so, all that he could say in reply was, that it had made no report upon it. As the hon. Gentleman the Member for Derby had stated, the Committee had investigated the cases of Mazzini and Grodicki, because petitions had been presented to the House containing express allegations on these two cases. The Government and the Committee said, that when the letters of these Gentlemen had been opened, nothing was found in them which could criminate either of those Gentlemen. The Committee had, it seemed, the case of the hon. Gentleman the Member for Finsbury also before them, amongst other cases which they had examined into; but they had abstained from saying, as they had said in the cases of the two Gentlemen alluded to, that in the letters addressed to the hon. Member for Finsbury, there was nothing found to criminate the hon. Gentleman. Under these circumstances, what alternative was left to the hon. Gentleman but to get up in his place, and adopt a course which every man of honour would feel himself bound to

adopt, and say that he was suffering under a wrong and injury inflicted upon him by Her Majesty's Government; that the Committee they had appointed had not expressed any opinion upon his case; and therefore that he, a Member of that House, for his own sake, and for the sake of the House, and also for the sake of his constituents, should be enabled, by the concurrence of the House, to repel the charge—for which purpose, he demanded a full and searching investigation. Among other reasons suggested why the right hon. Baronet should not at once have appointed a Committee for this purpose, was one suggested by the right hon. Gentleman the Secretary at War. Only think, said that right hon. Gentleman, of the consequences that would ensue if the Government had answered the questions put to them by the hon. Gentleman the Member for Finsbury. Why, said he, ten Gentlemen might get up and put the same question to the Home Secretary! If the Government answered in nine of these cases, but withheld an answer in the tenth, the result would be irresistible that they had done in the tenth what they had denied in the other nine. He (Sir G. Grey) fully admitted this; but he asserted that if ten Gentlemen should address such a question to the Government, under circumstances identical with those in which the hon. Member for Finsbury was placed, the Government would have no right to answer the nine, and withhold an answer to the question of the tenth: this argument of the right hon. Gentleman the Secretary at War struck him (Sir George Grey) with surprise. It seemed to imply that the right hon. Gentleman believed that there might be ten Gentlemen who could get up and assert that, to their knowledge, their letters had been opened. He (Sir George Grey) must say that that was very improbable, if it did not amount to an impossibility, and constituted but an unsubstantial reason for the reserve which had all along been observed by the right hon. Baronet. The question put to the right hon. the Home Secretary was a plain question, to which a plain answer should have been vouchsafed. It was a question asked in plain, and distinct, and intelligible terms, and should have met with a plain, distinct, and intelligible answer. The hon. Gentleman might not have been as guarded in his phrases, perhaps, as he should have been; and great had been the advantage taken of the want of moderation in some portions of the

address of the hon. Gentleman. "But he was not there to measure the words and phrases of a man who felt himself injured, and who was asking for redress. However much portions of the speech of the hon. Gentleman might be objected to, that was no reason why they should refuse him justice. What had been the result of their course of proceeding? It had delayed important public business. Did they think, after all, that their Ministerial majority would decide this question? If a man had justice on his side, did they suppose that he would relax in his efforts to procure it as long as they refused to render it to him? Did they think that their majority, however large, when announced at that Table, would put this matter to rest—that it would be heard of no more? No, for still the question would remain—still the demand would be made upon them—and still would it be found interfering with public business. He deprecated that; he was anxious that public business should not be interfered with; but if it were, the Government should not cast the blame of it upon others, when they themselves might remove the impediment. They ought not to complain that they could not be allowed to proceed—they ought not to attempt to throw that blame upon others with which they were themselves justly chargeable. Her Majesty's Government had last Session taken the same course in the first instance upon the subject, and had afterwards been compelled, by the strong feeling in the House and in the country, to grant inquiry. He gave the right hon. Gentleman credit for having no motive for again maintaining silence and reserve, but a mistaken sense of duty; but he believed that now, as before, the Government would be compelled to yield. He had not the slightest intention, in the vote he should give, to impute to the Committee the smallest blame. He felt how difficult and how delicate was the task that had been assigned to them. He thought a satisfactory reason for their silence had been given by the hon. Member for Derby; but, under the circumstances, he did hope that Her Majesty's Government would abandon the course they had persevered in adopting upon this point; that they would afford redress to the hon. Gentleman, and give him the means of justifying his conduct; and in doing so, they would act in accordance with the opinion that had been expressed not only upon that side of the House, but also by some who

were numbered among their ordinary adherents.

Mr. *Strutt*, in explanation, said that the right hon. Member for Devonport had fallen into a mistake when he represented him as having said, that in the course of last Session the hon. Member for Finsbury had not complained of his letters being opened. He had not said that, because that would have been contrary to the fact. The effect of what he had said was, that in the first debate on this subject, and before the Committee had been formed, he had not brought forward the charge with the same distinctness that he now preferred it; he did not then state that he was prepared with evidence to show that his letters had been opened; he had said something of bags being tampered with, and that it might have been for the purpose of opening his letters. The main charge at that time made by the hon. Member for Finsbury, was as to the opening of foreign letters, and not as to opening his own letters. Another point in which the right hon. Gentleman had mistaken him, was as to his having giving reasons why the Committee reported upon certain cases, and not as to others. What he had stated in his speech was, as to the circumstances which marked and distinguished one set of cases, and from which it might be inferred why there was not a particular reference to others.

Mr. *Jervis* wished to state briefly his reasons for voting in favour of the Amendment of the noble Lord. Seeing, he said, the mode in which the personal allusion to the hon. Member for Shrewsbury had been received by the House, he should not long delay them, but state the reasons very shortly that were a justification, as he had conceived, for the vote he was about to give. He was glad that the right hon. Gentleman at the head of the Government had availed himself of the forms of the House to explain the observations which he had made upon a former occasion, because he had felt, like many others, that those observations were applicable to the hon. Member for Finsbury, and he was afraid that so the country had construed them. Certainly the hon. and learned Member for Bute had put that construction upon them. It had been said by that hon. and learned Member that his hon. Friend brought forward Motions in this House in connexion with the

Chartists and magistrates of the country. And so, then, it was to be said, because a Member, in the independent course of his duty, thought it necessary to support certain opinions, and act in opposition to the Government, a Minister was to be regarded, in the exercise of the power entrusted to him, as justified in opening that Member's letters. He had endeavoured to catch the Chairman's eye immediately after his hon. and learned Friend had spoken, for he wished to reply to that argument. He was glad, however, that the right hon. Gentleman had had an opportunity of making the explanation which they had just heard. He was glad of it, in order that the public might be disabused if they had put the construction which he had done upon the former speech of the right hon. Gentleman. Now, he begged of the House to recollect the effect that had been produced by the reply of the right hon. Baronet to the charge made on the preceding night by the hon. Member for Shrewsbury. The charge had been made against a personal Friend of the right hon. Baronet at the head of the Treasury. Let them, then, see how the right hon. Baronet availed himself of the opportunity of having a public disavowal of the same charges. The right hon. Baronet had skilfully availed himself of the opportunity that presented itself; when the charge was publicly made, he considered that it ought to be publicly refuted. Let them, then, he said, do the same act of justice to the hon. Member for Finsbury. They had, by their proceedings, charged his hon. Friend with being connected with a dangerous state of society in that country, and they would not afford him the ample means of refuting it. They were now silent as to the charge. His hon. Friend said, his letters had been opened; and they relied upon their official responsibility for protection. Why, he asked, would they not do that justice to a political opponent, which they insisted upon procuring for a personal friend? Did they think it right to mete out justice to the one, and refuse it to the other? (*Cheers.*) Did they think that the public would be satisfied with that course? If they felt it necessary to have an explanation in the one case—and the House by their cheers responded to the necessity and the justice of such a course—then, he asked, how, in candour and in fairness, they could deny to his hon. Friend that

investigation which he demanded? A charge had been made. There had been no verdict of acquittal or of condemnation. It was that which the House of Commons had a right to demand. He thought that his hon. Friend was entitled to the investigation he sought for. Without adverting to minor details, he said to the Government, that their own conduct condemned them; for when an unjust attack was made upon one of their friends by the hon. Member for Shrewsbury, they were not satisfied without a public retraction of it, and yet at the same moment they refused to give the satisfaction of a public investigation, and an acquittal, to his hon. Friend, who stood in the position of a political opponent. He would support the Amendment of the noble Lord, not because he wished to deal in recrimination, but because he thought that the independence of Members of Parliament was compromised, and because he conceived that the fullest confidence should be permitted to exist between the Member of Parliament and his constituents.

Mr. *Muntz*—Before the debate came to a close, wished to assure the Secretary for the Home Department, that he did not mean to cast any reflection or reproach upon him; for, on the contrary, he thought that more had been cast upon him than ought to have been done. What had the Home Secretary done? Followed the acts of his predecessors. He did not acquiesce as to the propriety of what had been done as to foreigners, for that, he thought, was the worst part of the question. He had an extremely strong opinion as to the opening of letters. The public, too, had a very strong opinion about it. It had been stated the other night, that it had been long known to exist. Now, he could assure the House he had not yet recovered from the feeling that he experienced when he was told of it. The first time he heard of it, he utterly denied it. He thought it was a practice confined to the despotic States of the south of Europe—that it was to be found only in the dominions of the Autocrat of Russia and the despot of Prussia. He thought, that every man's letter was as safe as his house door. It was disgraceful to every Government; it was disgraceful to the present—it was disgraceful to former Governments—it was disgraceful to the whole country, and he hoped it would be very soon got rid of.

Mr. T. Duncombe, in reply, said, that after three nights' debate he should occupy the time of the House but a very few minutes. He must, however, in answer to the right hon. Gentleman, that he and others meditated injustice to the Government, say that was not true. But the Government continued to do him injustice. They denied to him that justice which, he said, he had a right to demand. That injustice was meditated by the right hon. Baronet and his Colleagues. The simple proposition of the noble Lord the Member for Sunderland was to supply an omission on the part of the Committee. The right hon. Gentleman resisted that proposition. He would not allow that to be done, because he said it reflected censure upon the Government. The Government said they had acted so purely—they had exercised their power purely. Well, then, the more their conduct was inquired into, the more it was examined, the more that purity would appear on an examination. He had been accused by the right hon. Member the Secretary at War with being actuated by a hostile feeling towards the right hon. Baronet the Secretary for the Home Department, and that it was to gratify that wish, and not to elicit truth, that he sought for this inquiry. As the noble Lord the Member for London had remarked, it was not the practice of men who did not wish for the elucidation of truth to seek an inquiry. Now he asked for an inquiry; and then it was said it was not truth he was seeking for, but to gratify personal motives. He disclaimed the personal motives attributed to him. He complained of a practice—against whom was he to direct that attack? He found that the Secretary for the Home Department had issued warrants. Now, who was he to go and attack? Was it the Lord Chancellor or the Lord Chamberlain? No, he must direct his attack against the Home Secretary. He knew that the rest of the Government were responsible; but he must look to the Minister who had issued the warrant; and whether it was the right hon. Gentleman opposite to him, or a right hon. Gentleman sitting near him, he would have attacked them in the same way if he thought such had exercised power in the same manner as the right hon. Baronet had done. The right hon. Baronet at the head of the Government said that he had chosen his own tribunal, and the ver-

dict of acquittal was for the Government. As to choosing his own tribunal, the tribunal was not chosen by him, but by Ministers. The thing was done in a hurry. The Government had not gone through the usual form of placing the names of a Committee on the Table one day, and appointing them the next. All was done in a hurry. As to the Select Committee, the names were taken out of the right hon. Gentleman's pocket at the time—and then, if the House would not have them, they would have none at all. The result, it was said, was a verdict of acquittal for the Government, and then the right hon. Gentleman said, "Stand by your Committee." As to the verdict of the Committee, he defied any one to show a line in it that could be interpreted as a verdict of acquittal. What was the description given of it by the noble Lord the Chairman of the Committee? The noble Lord had said that the Committee was very much divided, that there was a great diversity of opinion, and in consequence they put in here a bit of black, and there a bit of white, and so it was neither black nor white. That, then, was the Chairman's opinion of his own Committee. What, then, did the hon. Member for Kendal say? That parties were very evenly balanced, and consequently that the Report was nothing else but a compromise; and the hon. Member had added, that if he were allowed to express an opinion as to Mazzini, he must say that the right hon. Gentleman had not exercised a sound discretion, so that the verdict of acquittal was in fact no verdict at all. When a jury could not agree a new trial was granted; that was all he asked. He ventured to say, that if he were allowed to put these nine Gentlemen again in the box, and let him have thus an open Committee, and let him have two witnesses before them, that they would come to a different and a more decided conclusion. But were they not to discuss the Report of the Committee? What was the use of the Committee if they were not to examine or discuss their Report? That was all he had done. He had taken their Report, and had pointed out where they were in error, and what they had left undone. He had been accused of saying that the Government had fabricated a warrant; and the hon. and learned Member for Bute had said that he (Mr. T. Duncombe) had asserted that he knew a

warrant had been fabricated in his own case. He never said anything of the sort. What he did say was in regard to the case of Mazzini; and it was this—that the system of opening Mazzini's letters begun at Christmas last, and continued till the 14th of June, when he presented Mr. Mazzini's petition (a copy of which he had previously forwarded to the right hon. Baronet) to the House, while the Report stated that the warrant which authorized the opening was issued on the 1st of March, and continued in force till the 3rd of June; and he said it was a fair ground of inquiry to ascertain why the letters were opened immediately after Christmas, previous to the issuing of the warrant—a point which was not taken notice of in the Report of the Committee. Therefore, he had said that the warrant presented to the Committee was an untrue warrant. He believed, in the first instance, an order was sent down to the Post Office, from the Foreign Office, to detain Mr. Mazzini's letters, so that the warrant was not issued until some time after. Then they were about to shut out all inquiry as to the cases of Captain Stolzman and Mr. Worcell, late a member of the Polish Diet, who had petitioned the House, complaining that their letters had been opened, as they believed, under a warrant from the Home Office, and praying for investigation into the circumstances. Then, as to his own case, the Committee stated that he had not petitioned, and that Mr. Stolzman and Mr. Worcell had never petitioned; and that, consequently, they were not called upon to report specially upon those cases; but he had stated publicly, in his place, that his letters had been opened, and yet the Committee took no notice of his case in their Report. The Report mentions that a warrant to open and detain all letters addressed to Mr. Grodicki, at Paris, and another foreign gentleman, was also issued. Why was the name of the one gentleman mentioned, and the other omitted? It was generally supposed and understood that this other foreign gentleman was Prince Czartoriski, who resided at Paris at that time, and that the reason his name was not mentioned was, that he was the intimate acquaintance of one of the Members of the Committee. But after all, he said the Committee had done the greatest act of injustice to him. That the Lords' Committee had never mentioned his name

in their Report he could well understand, for his case had never gone before that Committee, and they knew nothing of his complaint. He had made his complaint there in his place in the House of Commons, and again before the Committee, and he had repeated it since. The two nights debate upon the matter might have been avoided, had the right hon. Baronet (Sir James Graham) answered him candidly when he put the question to him; and much ill-blood, ill-feeling and discussion would have been saved. The noble Lord the Member for Newark (Lord John Manners) had said, that he would think himself a degraded man if he had become so much the object of suspicion that his letters were opened, and all explanation refused; and that he was in that position no one could doubt; for did they suppose, that if his letters had not been opened, as he asserted they had, the right hon. Baronet (Sir J. Graham) would not have been but too ready to say so at once. And if they were opened, why could not the right hon. Baronet have said at once, in answer to the question put to him—“We did open your letters; the circumstances of the country at the time justified us in so doing; but we are bound at the same time to say, that we found nothing in those letters to criminate you.” He should in that case have told the right hon. Baronet that he had no right to do so, and that the Government had done him a great injustice to suspect him; but he was willing to believe their motives were pure. He should have said this, and forgiven it at once, and forgotten it as soon as he could, and there would have been an end of the matter. But how stood the case now? Here he was, with a stigma fixed upon him, and denied all explanation. It had been suggested that he should call certain officials of the Post Office to the Bar of that House, and it was his intention to submit a Motion to the House on the subject—that would be his next step. He would move to call the Officers of the Post Office to the Bar of that House, and if it should appear that they had opened his letters, or detained them without a warrant, they must be committed for the breach of privilege. It was asked why are the letters of a Member of Parliament to be more privileged than others? He said they were not; and if Government had reason to suppose that any Member of

Parliament was engaged in a conspiracy against the State, there was no reason why his letters should not be opened under the authority of a warrant issued for the purpose, the same as those of any other individual. The only difference was this, that if a man opened the letters of a Member of Parliament, without the sanction of a Secretary of State's warrant, he not only committed a misdemeanor, but a breach of Parliamentary privilege in addition. Let not the right hon. Baronet suppose that he grudged him any information or any amusement he might derive from the perusal of his correspondence. If Lord Sidmouth himself had done him the honour to open any of his letters, they would have been quite as amusing and instructive to him; but he was sure Lord Sidmouth would have been surprised if he had heard that at some future day the right hon. Baronet was to be found sitting amongst those very men whom, in Sidmouth's time, he denounced as the men who invariably passed bad measures and resisted good ones. He repudiated everything like personal hostility; he attacked the right hon. Baronet, because he filled the office from which all the iniquity had emanated—he could not attack any one else. It was admitted and avowed that this power of opening letters had been used very extensively by the Government, and if they would give him a Committee, he would in his own case prove that they had grossly abused it. Now, with regard to the Amendment which had been moved by the noble Lord, he was aware that there was a strong feeling in the House not to assent to his Motion, and as he saw he had a better chance of succeeding in obtaining the inquiry, as proposed by the noble Lord, than that he had moved for, and feeling that any inquiry, however narrow and limited, was better than none, he hoped the House would permit him to withdraw his Motion, and take the sense of the House upon that of the noble Lord.

Sir R. Peel thought it would be better to take the sense of the House on the question originally before it. Of course it was competent for any hon. Member to object to the withdrawal of the Motion, and thus compel a division; but if he understood it to be the wish of the hon. Gentleman opposite at once to take the sense of the House upon that Motion, on which the greatest amount of opinion was concentrated against the course the

Government had taken, he had no objection.

Original Motion withdrawn, and the Amendment having been put as follows:—

“That it having been alleged by a Member of this House, in his place, that Letters addressed to him have been detained at the Post Office, and opened before being delivered to him, a Select Committee be appointed, to inquire whether this allegation is true; and if so, by what authority and upon what grounds such detention and opening of Post Letters has been sanctioned.”

The House divided:—Ayes 145; Noes 240: Majority 95.

List of the AYES.

Aglionby, H. A.	Esmonde, Sir T.
Ainsworth, P.	Evans, W.
Aldam, W.	Ewart, W.
Anson, hon. Col.	Ferrand, W. B.
Barclay, D.	Fitzroy, Lord C.
Barnard, E. G.	Fitzwilliam, hn. G. W.
Bellew, R. M.	Forster, M.
Berkeley, hn. H. F.	Fox, C. R.
Bernal, R.	Gibson, T. M.
Blake, M. J.	Gill, T.
Blewitt, R. J.	Gore, hon. R.
Bouverie, hn. E. P.	Granger, T. C.
Bowring, Dr.	Grey, rt. hon. Sir G.
Bright, J.	Guest, Sir J.
Brocklehurst, J.	Hallyburton, Lord J. F.
Brotherton, J.	Hanmer, Sir J.
Buller, C.	Hastie, A.
Buller, E.	Hawes, B.
Busfield, W.	Hayter, W. G.
Byng, rt. hon. G. S.	Heathcoat, J.
Cavendish, hn. C. H.	Holland, R.
Childers, J. W.	Horsman, E.
Christie, W. D.	Howard, hn. C. W. G.
Clay, Sir W.	Howick, Visct.
Clive, E. B.	Hume, J.
Cobden, R.	Humphery, Ald.
Colborne, hn. W. N. R.	Hutt, W.
Colebrooke, Sir T. E.	Jervis, J.
Collett, J.	Labouchere, rt. hn. H.
Craig, W. G.	Layard, Capt.
Crawford, W. S.	Leveson, Lord
Currie, R.	Listowel, Earl of
Curteis, H. B.	Macaulay, rt. hn. T. B.
Dalmeny, Lord	McGeachy, F. A.
Dalrymple, Capt.	Mangles, R. D.
Dawson, hon. T. V.	Manners, Lord J.
Denison, J. E.	Marjoribanks, S.
Disraeli, B.	Marshall, W.
Duke, Sir J.	Martin, J.
Duncan, Visct.	Maule, rt. hon. F.
Duncan, G.	Milnes, R. M.
Duncannon, Visct.	Mitcalfe, H.
Dundas, Adm.	Mitchell, T. A.
Dundas, F.	Morris, D.
Dundas, D.	Morison, Gen.
Easthope, Sir J.	Morrison, J.
Ebrington, Visct.	Muntz, G. F.
Ellis, W.	Murray, A.

Napier, Sir C.	Strickland, Sir G.	Egerton, W. T.	Liddell, hon. H. T.
O'Connell, M. J.	Talbot, C. R. M.	Entwisle, W.	Lincoln, Earl of
Paget, Col.	Tancred, H. W.	Escott, B.	Lockhart, W.
Parker, J.	Thornely, T.	Estcourt, T. G. B.	Lowther, Sir J. H.
Pattison, J.	Towneley, J.	Farnham, E. B.	Lowther, hon. Col.
Pechell, Capt.	Traill, G.	Fitzroy, hon. H.	Lygon, hon. Gen.
Pendarves, E. W. W.	Trelawny, J. S.	Flower, Sir J.	Mackenzie, T.
Philips, G. R.	Troubridge, Sir E. T.	Forbes, W.	Mackenzie, W. F.
Philips, M.	Turner, E.	Fox, S. L.	Macnamara, Major
Plumridge, Capt.	Villiers, hon. C.	Fremantle, rt. hn. Sir T.	McNeill, D.
Ponsonby, hn. C.F.A.C	Vivian, J. H.	Fuller, A. E.	Mahon, Visct.
Protheroe, E.	Vivyan, Sir R.	Gaskell, J. Milnes	Mainwaring, T.
Pulsford, R.	Wakley, T.	Gladstone, rt. hn. W. E.	Manners, Lord C. S.
Rawdon, Col.	Walker, R.	Gladstone, Capt.	March, Earl of
Ricardo, J. L.	Wall, C. B.	Godson, R.	Marsham, Visct.
Rice, E. R.	Wallace, R.	Gordon, hon. Capt.	Martin, C. W.
Roebuck, J. A.	Ward, H. G.	Gore, M.	Martin, T. B.
Ross, D. R. ⁶	Watson, W. H.	Gore, W. R. O.	Marton, G.
Russell, Lord J.	Wawn, J. T.	Goring, C.	Masterman, J.
Russell, Lord E.	Williams, W.	Goulburn, rt. hon. H.	Maunsell, T. P.
Scott, R.	Wilshire, W.	Graham, rt. hn. Sir J.	Maxwell, hon. J. P.
Sheil, rt. hon. R. L.	Wood, C.	Granby, Marq. of	Meynell, Capt.
Smith, rt. hon. R. V.	Wyse, T.	Greenall, P.	Mildmay, H. S. J.
Somerville, Sir W. M.	TELLERS.	Greene, T.	Miles, P. W. S.
Stansfield, W. R. C.	Hill, Lord J.	Gregory, W. H.	Miles, W.
Staunton, Sir G. T.	Duncombe, T.	Grimston, Visct.	Mordaunt, Sir J.

List of the NOES.

Acland, Sir T. D.	Bunbury, T.	Grogan, E.	Morgan, O.
Adderley, C. B.	Burroughes, H. N.	Hale, R. B.	Mundy, E. M.
Alford, Visct.	Campbell, J. H.	Halford, Sir H.	Neeld, J.
Allix, J. P.	Cardwell, E.	Hamilton, G. A.	Neeld, J.
Antrobus, E.	Castlereagh, Visct.	Hamilton, W. J.	Newdegate, C. N.
Arbuthnott, hn. H.	Charteris, hon. F.	Hamilton, Lord C.	Newport, Visct.
Archdall, Capt. M.	Cholmondeley, hn. H.	Harcourt, G. G.	Newry, Visct.
Arkwright, G.	Clayton, R. R.	Harris, hon. Capt.	Nicholl, right hon. J.
Arundel and Surrey,	Clerk, rt. hn. Sir G.	Hayes, Sir E.	Norreys, Lord
Earl of	Clifton, J. T.	Henley, J. W.	Northland, Visct.
Ashley, Lord	Clive, hon. R. H.	Hepburn, Sir T. B.	O'Brien, A. S.
Bagot, hon. W.	Cochrane, A.	Herbert, rt. hon. S.	Oswald, A.
Baillie, Col.	Cockburn, rt. hn. Sir G.	Hervey, Lord A.	Owen, Sir J.
Baillie, H. J.	Codrington, Sir W.	Hinde, J. H.	Packe, C. W.
Baird, W.	Collett, W. R.	Hodgson, F.	Pakington, J. S.
Bankes, G.	Colquhoun, J. C.	Hogg, J. W.	Palmer, R.
Barneby, J.	Colville, C. R.	Hope, hon. C.	Palmer, G.
Barrington, Visct.	Compton, H. C.	Hope, G. W.	Peel, rt. hn. Sir R.
Baskerville, T. B. M.	Conolly, Col.	Howard, Sir R.	Peel, J.
Beckett, W.	Copeland, Ald.	Hughes, W. B.	Pennant, hon. Col.
Bentinck, Lord G.	Corry, rt. hon. H.	Hussey, A.	Plumptre, J. P.
Beresford, Major	Courtenay, Lord	Hussey, T.	Polhill, F.
Bernard, Visct.	Cripps, W.	Inglis, Sir R. H.	Pollington, Visct.
Blackstone, W. S.	Damer, hon. Col.	Irton, S.	Powell, Col.
Blakemore, R.	Darby, G.	James, Sir W. C.	Praed, W. T.
Blandford, Marq. of	Davies, D. A. S.	Jermyn, Earl	Pringle, A.
Bodkin, W. H.	Dawnay, hn. W. H.	Jocelyn, Visct.	Reid, Sir J. R.
Boldero, H. G.	Denison, E. B.	Johnstone, Sir J.	Rendlesham, Lord
Borthwick, P.	Dickinson, F. H.	Johnstone, H.	Repton, G. W. J.
Botfield, B.	Dodd, G.	Jolliffe, Sir W. G. H.	Richards, R.
Bowles, Adm.	Douglas, Sir H.	Jones, Capt.	Rolleston, Col.
Bramston, T. W.	Douglas, Sir C. E.	Kelly, F.	Round, J.
Broadley, H.	Douglas, J. D. S.	Kemble, H.	Rous, hon. Capt.
Brownrigg, J. S.	Douro, Marq. of	Knightley, Sir C.	Rushbrooke, Col.
Bruce, Lord E.	Drummond, H. H.	Lambton, H.	Russell, J. D. W.
Bruce, C. L. C.	Du Pre, C. G.	Lascelles, hon. W. S.	Ryder, hon. G. D.
Bruges, W. H. L.	East, J. B.	Law, hon. C. E.	Sanderson, R.
Buckley, E.	Eastnor, Visct.	Lawson, A.	Shaw, rt. hn. F.
Buller, Sir J. Y.	Eaton, R. J.	Lefroy, A.	Sibthorp, Col.
		Legh, G. C.	Smith, A.
		Lennox, Lord A.	Smith, rt. hn. T. B. C.

Smyth, Sir H.	Trevor, hon. G. R.
Somerset, Lord G.	Trollope, Sir J.
Somerton, Visct.	Trotter, J.
Somes, J.	Vernon, G. H.
Sotherton, T. H. S.	Waddington, H. S.
Spooner, R.	Wellesley, Lord C.
Stanley, E.	Wodehouse, E.
Stewart, J.	Wood, Col.
Stuart, H.	Wood, Col. T.
Sutton, hon. H. M.	Wortley, hn. J. S.
Taylor, E.	Wortley, hon. J. S.
Tennent, J. E.	Wyndham, Col. C.
Thesiger, Sir F.	Yorke, hon. E. T.
Thornhill, G.	TELLERS.
Tollmache, J.	Young, J.
Trench, Sir F. W.	Baring, H.

House adjourned at one o'clock.

HOUSE OF LORDS,

Monday, February 24, 1845.

MINUTES.] *BILLS. Public.*—1st Deodands Abolition.
Private.—2nd Britten's Divorce.

PETITIONS PRESENTED. By the Earl of Rosebery, from Edinburgh and Haddington, against any Alteration in the present Laws relating to Banking in Scotland.—From Linlithgow, for Inquiry into the Laws relating to Imprisonment (Scotland).—By the Earl of Radnor, from William Bidwell, of Cambridge, for Inquiry into Legal Proceedings instituted against him for refusing to pay Church Rates.—By Earl Fitzwilliam, from Stilton, and 2 other places, for the Adoption of Measures for the Suppression of Intemperance.—From Roman Catholics of Sydney (New South Wales), for Inquiry relating to the Omission of the Names of certain persons from the Special Jury List Ireland.—By Lord Camoys, from Cork, for Repeal of Certain Clauses in the Charitable Bequests (Ireland) Act.

LOCAL TAXATION.] Lord Beaumont wished to put a question to his noble Friend the President of the Council, and to draw his attention to an important document which had been laid on their Lordships' Table. The question he was desirous of putting was, whether it was the intention of Government to make any alteration in the law of rating this Session; and the document to which he was anxious to draw his noble Friend's attention was the Report of the Poor Law Commissioners on Local Taxation. In that paper there was the fact, which might be familiar to their Lordships, but was startling to those who had not well considered the subject—viz., that actually the amount of 12,000,000*l.* sterling was annually disposed of by the local authorities; that, moreover, there were twenty-four distinct rates, every one of which was, according to the original Statutes by which they were rendered lawful, regulated on distinct and different systems, founded on different bases, and intended for different purposes. The matter was so complicated that it had been found utterly impossible to

conform to the law; and, consequently, the local authorities had been obliged, instead of complying with the law in practice on that subject, to establish a principle of their own, and they, therefore, levied those rates generally on the basis of the Poor-rates. The document stated also that no less than 250,000 officers were engaged in the collection of those various local taxes; and, moreover, that the property on which they were imposed differed in nearly every instance; but that, although they differed according to the law on the subject, yet at the same time, it was usual in practice to impose them upon real property, on lands and houses. The document, after mentioning some other objections, concluded with a passage that was so clearly written, and expressed the case so strongly, that he would read an extract it from their Lordships:—

“Putting out of consideration the taxes and various modifications of them created by our local Acts of Parliament, there is found in Common Law and general Statutes authority to impose and levy for above 200 various and imperfectly defined purposes, at least twenty-four different local taxes, a large portion of which would, if the law were carried into effect according to its intention, be levied separately and distinctly in every district. Some of them are permanent, some occasional, and many of them for the purpose of raising a sum of money insignificant in amount. The definitions of the persons on whom the taxes are imposed often vary without apparent cause, and sometimes are inconsistent with what is generally supposed to have been the intention of the Legislature. The definitions of the property on which the taxes are assessed being still more various, and involved in still more frequent difficulties, a multitude of these taxes cannot be levied, if they are resisted, and others are gathered with great cost; while in some cases there is entirely wanting all protection, arising from the accountability of the officers who impose the tax, or collect it, or disburse it.”

Such was the extract, and after having read it he would again ask his noble Friend whether the attention of the Government would be directed to the subject during the present Session, and whether it was their intention to make any alteration in the law, so as to consolidate into one uniform rate these numerous and vexatious taxes, and remedy the cumbrous and expensive machinery which was at present employed to raise them? His noble Friend (Lord Lyttelton) had, last year, put a similar question to his noble Friend opposite, who then answered “not this year;” he

was therefore induced to ask him now whether there would be any alteration in the law in the present year?

Lord *Wharncliffe* said, he could give no other answer than he had given to the same question when put to him by another noble Lord last Session—that it was not the intention of Government to introduce any measure on the subject in the present Session. A Bill relating to the Law of Settlement had been already introduced into the other House by his right hon. Friend the Secretary for the Home Department, which, it might be anticipated, would be sufficient to occupy the attention of Parliament.

Earl *Fitzwilliam* said, it was perfectly true that there were not less than twenty-four of these different local taxes in different places and under different circumstances; but it had often appeared to him that it would be extremely desirable, instead of having raised upon the same community a different number of rates for different purposes, that there should be, as in the county rate, one rate that was applicable to a great variety of different purposes, among which should be the maintenance of the poor. Such a course would be a great improvement on the present system of levying local taxation.

ABOLITION OF DEODANDS.] Lord *Campbell* said, that, in pursuance of the notice he had given last week, he should, with their Lordships' permission, lay on the Table a Bill for the Abolition of Deodands, and he did not anticipate there would be any opposition offered to its passing through, much less in its introduction to that House—the wonder to him was that a law so extremely absurd and inconvenient should have remained in force down to the middle of the nineteenth century; especially as that did not arise from the law having become obsolete or slipped their recollection from never having been put in force; for the law of deodands was called into action almost weekly, as the newspapers constantly informed them. He would, however, venture to say that the law was both extremely absurd and inconvenient, and, under the correction of his noble and learned Friend on the Woolsack, he would shortly state to their Lordships what that law really was which men now enforced, and which, if resorted to, ought not to be perverted by Coroners' juries. By the old Common

Law of England, which was still in force, all personal chattels that had immediately caused or moved to the death of a reasonable being were forfeited to the Crown. That was not at all by way of punishing an offence committed by the owner of the chattels, because, as his noble and learned Friend well knew, where there had been malice or culpable negligence, so that it became a case of murder or manslaughter, the law of deodand did not apply. It had been decided that if another man took his (Lord *Campbell's*) sword, without his leave, and killed another with his sword, his sword became forfeited to Her Majesty. The severity of the law, if it were strictly enforced, was very great, because everything that in the remotest degree contributed to the death was included in the forfeiture. Not only an ox that gored a man was forfeited, but if a person fell from a horse the horse was forfeited: and if a man fell from a horse into the water and was carried down a mill-race and killed by the wheel of the mill, the horse and the mill-wheel were both forfeited. To be sure, if a person fell from that which was not in motion that motionless thing was not forfeited; it was only what he touched immediately before the moment of death, which was the subject of a deodand; for instance, if a man were climbing up a waggon, which was stationary, and fell from a wheel, the wheel by which he was climbing up was alone forfeited; but, then, if the waggon was in motion, the waggon, and the horses, and the load in the waggon, were all forfeited, as tending *ad mortem*. This was in accordance with the maxim, "*omnia quæ movent ad mortem sunt Deo danda*." Again, if a person fell from the top of a stage-coach, even intoxicated or asleep, and the wheel of the coach passed over him and killed him, the horses and the coach, and everything in the coach, including the luggage of the passengers, would all be forfeited. Certain absurd distinctions were made: for instance, if a man fell from a ship in salt water, there was no deodand on the ship; but if he fell from the ship in fresh water, then the ship and the furniture of the ship, and the cargo of the ship, were all deodands. Neither did it signify, whether the chattel fell on the man, or the man on the chattel. But, it was said, that if the thing was fixed to a freehold, then it should not be a deodand; and, therefore, if the door of a house fell upon and killed a man, it

being part of a freehold, was not forfeited. Again, if a bell dropped from a steeple, and produced the death of a person, it was not a deodand, because it had been consecrated. The law of deodands, it was supposed, had been founded partly upon the Mosaic, and partly upon the Athenian law, by which any instrument causing death was considered accursed, and was made a deodand; but the bells were blessed, not accursed. By the old English law, the chattel causing death was to be sold, and the money, however great the amount, was to be applied in the purchase of masses for the soul of the deceased; as he had gone to his account unprepared, the law humanely provided that masses should be celebrated for the purpose of accelerating his removal out of purgatory. Now, it did seem strange that in this Protestant country a law should remain in force, which had been abolished in all Roman Catholic countries, and that England, which was so proud of being distinguished for its Protestantism, should be the only country in which it was allowed to remain. He trusted, therefore, that their Lordships would agree with him that it ought not any longer to be a reproach to their jurisprudence. A very different application than was intended by the Legislature was attempted to be made of it by Coroners' juries, who used it as a punishment for negligence, carelessness, and a criminal intent. If no fault appeared on the part of the owners of the chattel, the jurors found no deodand; but if there had been gross negligence, or what they considered had been a "culpable neglect," then they did find a deodand; so that they entirely perverted the law—they found no deodand where the law gave a deodand, and where the law gave no deodand there they found one. Now, he was sure their Lordships would agree with him, that Coroners' juries, in the inflamed state in which they must necessarily be, sitting on an inquest upon a person who had come to an untimely end, must be a very unfit tribunal to punish an offender, even if they could do so by law. It was an entirely *ex parte* proceeding—the party accused was not on his trial before the jury. The power must necessarily be abused if it existed; but the power did not exist, and the Court of Queen's Bench for the last ten years had almost invariably quashed inquisitions where such a course had been pur-

sued: because, when an inquisition was held, and the facts were stated, and there appeared to have been gross negligence, that would amount to manslaughter, and the verdict ought to have been against the party guilty of the negligence, as in the case of "*The Queen v. Bolwarth*;" and the Court quashed the inquisition. But still the Coroners' juries went on from time to time, with a laudable and natural feeling, to try, by a little perversion of the law, to do what they considered was subservient to the ends of justice. Great vexation arose from that, and much injury was done to the administration of justice. He had had the honour of communicating with several legal friends on the subject, and they all entertained the opinion that the law should not be allowed to remain as it then was, as it led to most inconvenient consequences. He had likewise conversed with an intelligent Coroner, he meant Mr. Wakley, the Coroner for Middlesex, who was a most active servant of the public, and he had informed him that, in his opinion, that law could do no good—it only held out a temptation to juries by which they were misled, and from which the greatest inconvenience resulted. There was only a single benefit that this law might be supposed to confer upon the public, and that was, that it tended to induce caution and care on the part of stage coach proprietors and the directors of railroads, because it was held out in *terrorem*, and might have a salutary effect in making them more careful than they otherwise would be. But there was another defect in the law which he had now to point out, and which being removed would be productive of unspeakable benefit. By the law of France, and most of the Continental countries, and likewise by the law of Scotland, if, by the default of any person, death ensued, that person was liable to make compensation to those who had suffered from the death of the individual who had so perished. In Scotland that was called an "assythment;" but he had been told that that law did not operate well, for the life of a man was considered so valuable that no estimate could be formed of its value; so that if death ensued, there was no remedy. If a man's son were thrown by the negligence of a coach proprietor from a coach, and he broke his limb, the father had an action against the stage coach proprietor; but if the poor boy was killed upon the

spot, then the father had no action against the coach proprietor.

The *Lord Chancellor* thought his noble and learned Friend had reported a case on that point. It was the case of the death of a wife, and occurred in the time of Lord Ellenborough.

Lord Campbell said, the same observation applied to the case which his noble and learned Friend had referred to. Where a man's wife was thrown from the top of a stage-coach and killed upon the spot, no action could be maintained for even the expenses of her funeral. His noble and learned Friend would hardly suppose that that was a state of the law which ought to be allowed to remain; and he would agree with him that it was a great reproach to their jurisprudence that it had not been sooner altered. He (Lord Campbell) had intended to have made that part of his Bill; but his noble Friend, Lord Lyttleton, had prepared a Bill on the subject, which had been laid on their Lordships' Table, and which he hoped would effectually answer every purpose that he (Lord Campbell) had in view. He did not wish to take the matter out of the hands of his noble Friend; but, on the contrary, should be happy to afford him every assistance in his power in improving his Bill. The two Bills might go on together, because, objectionable as the system of deodands was, he would not abolish it, having regard to the public safety, unless the right of action was given, in order to make railroad directors and stage coach proprietors cautious of the lives and limbs of Her Majesty's subjects. His Bill was confined merely to the subject of deodands; but the two Bills might either go on *pari passu*, or be joined together. Upon the suggestion of Mr. Baron Parke, a Judge to whom the public were indebted, not only for his administration of justice, but for the rules of law that he had suggested and introduced, he had inserted a clause in his Bill for doing away with a useless absurdity in indictments for murder, in which it was at the present time necessary to give a minute description of the instrument by which the murder was committed, and to state the value of it, or to allege that it was of no value. He had therefore introduced a clause which should make it no longer necessary to introduce this into the indictment. Such was the nature of the Bill that he had the honour

to offer to their Lordships, and he should propose that it be read for the first time. He hoped it would go on concurrently with Lord Lyttleton's Bill—but if it should be thought better to amalgamate them, he should be most happy that it should go down to posterity as Lord Lyttleton's Bill.

The *Lord Chancellor* did not rise for the purpose of giving any opposition to this Bill, which would be read for the first time, as a matter of course. He agreed with his noble and learned Friend, that the system which he had dilated on was pregnant with absurdity. His noble and learned Friend had mentioned many absurdities from, he believed, the Digests on the subject, one of which he (the Lord Chancellor) had seen that morning, which contained a case which went, in absurdity, even beyond those stated by his noble and learned Friend. If a man were riding in a cart drawn by three or four horses, and the cart were overturned, and the man crushed by a wheel, the cart and horses would become a deodand. That his noble and learned Friend had stated—but if a waggon loaded with hay were passing at the same time, and the man were thrown in such a way that a wheel of the waggon went over and killed him, not only the cart and horses were forfeited, but the waggon and the load of hay, and the horses followed the same fate as the cart. The absurdity of the law was not the only ground on which he thought it would be wise to adopt the course suggested by his noble and learned Friend:—it would be wise also to abolish it, in order to do away with the application of it to collateral objects. But he should not say more at present than to suggest one or two points for the consideration of his noble and learned Friend, in the interval between the first and second readings of his Bill. The first point was, that deodands formed part of the ordinary revenue of the Crown. It would be necessary, therefore, according to usage, that the consent of the Crown should be obtained before proceeding with any measure proposing to deal with them; and he thought it would be the more respectful course to ask that consent as soon as possible, than to postpone the obtaining it to the last stage of the Bill. There was another point of more difficulty than that to which he had already adverted, and it was this—that that property of the Crown had been

granted out in a great variety of instances, to lords of franchises and public corporations. They possess a property, therefore, in these deodands; and he thought their Lordships would hardly interfere with these rights, without providing in some way or other compensation, or an equivalent for the loss of it. It might be said that this was a trifling matter, and that *de minimis non curat lex*; but if this mode of procedure be once sanctioned, it may next be applied in cases more extensive and important. There was still another point which had been mentioned to him by a noble Friend—viz., whether the public and the House of Commons would not consider them by this Bill as interfering with their privileges, inasmuch as it proposed to deal with the revenues of the Crown. He did not profess to have any great learning on the subject, but he felt rather disposed to controvert the right of the other House to interfere with their decisions; but he knew there was an apparent right on this point, which was exercised by the House of Commons in a somewhat arbitrary manner. He should not offer the least objection to the Bill in its progress through the House, but merely wished to call the attention of his noble and learned Friend to the points he had stated, in order that he might apply his judgment to the consideration of them.

Lord Campbell was so fully aware of the necessity of the consent of the Crown being obtained, that he had purposely given notice of his intention to introduce the Bill, so that the attention of Ministers might be called to it as early as possible; and he was sure that the Government would now obtain Her Majesty's consent, and the Bill could be proceeded with. He was much obliged to his noble and learned Friend for the suggestions he had thrown out; but he would take the earliest opportunity of saying that there was not the slightest pretence for giving compensation to the parties to whom the grant of a deodand had been made, as the grant continued only so long as the deodand existed. While the law gave a deodand, it went to the Crown, or to the grantee of the Crown, but no longer. If such were not the law, in many cases they could not do away with a particular felony as a capital offence, because there was a forfeiture involved in it. In the case of a felony, the felon's goods were forfeited; and in many cases these rights had been

granted away, and they could not alter the law with regard to felony, and say there should no longer be a deodand, without giving compensation to the public executioner, who was entitled to the felon's clothes. With regard to the third point suggested by his noble and learned Friend relative to the House of Commons, he would only say, that a noble Friend (Lord Canterbury) who had filled the Chair of the House of Commons with so much distinction, and was always so zealous in sustaining the rights of that House, had not objected to Bills originating in their Lordships' House, which did not affect the revenue of the country. The abolition of deodands could in no way interfere with the rights of the House of Commons.

Lord Monteagle said, it would be well to consider that the casual acquisitions of the Crown formed part of the Public Revenue as much as any other portion of the revenue vested in Her Majesty. He should imagine, therefore, that the practice in respect of them was analogous to the course taken by the House of Lords in the repeal of any other tax.

Lord Campbell suggested to his noble Friend (Lord Monteagle), that the landed estates of the Crown came under the same view; but it could not be contended that the House of Lords had not the same control over those estates as the House of Commons.

The Lord Chancellor said, the course they were about to adopt, could not be attended with inconvenience, because if the House of Commons would not give effect to the Bill of his noble and learned Friend, they would send up a corresponding Bill for the consideration of their Lordships.

Bill read 1^a.

RAILWAYS.—BOARD OF TRADE.] The Earl of Dalhousie laid on the Table the Report of the Board of Trade on the Newcastle and Berwick, and the Manchester and Leeds Railway lines, and the Maps of the Railways in the South-Eastern and Manchester and Leeds districts, which were ordered to be printed.

Earl Fitzwilliam inquired whether these Reports contained the reasons for the decisions which had already appeared in the *Gazette*?

The Earl of Dalhousie replied, that they contained the detailed reasons for

the recommendations of the Board of Trade.

Earl Fitzwilliam would then ask whether it was certain the advice of the Board of Trade would be given to Parliament on all the lines, before Parliament had been obliged to form its own conclusion without that advice? He did not ask this for the purpose of impugning the conduct of the Board of Trade, but quite the contrary; for he thought the public were indebted to the Board of Trade for the labour they had undertaken, and he would say also that the public were indebted to the Government for having imposed those labours on that subordinate department. He was induced to take that opportunity of making these observations because it appeared to him that the Board of Trade had not been fairly dealt with in other places; and he went the length of saying for himself, that it would be better if Parliament did not entertain any Bill till the Board of Trade should have reported upon it. Indeed, he entertained a sort of major opinion that the Government ought originally to have issued a Commission to determine the best mode of establishing railway communications throughout this country, and, entertaining the major opinion, he undoubtedly held the minor, not that every decision by the Board must be acquiesced in by Parliament, but that the greatest possible deference ought to be paid to the opinion of that Board. The distinction he was inclined to make on the subject was this,—that whenever the Board of Trade reported against a railway, the consequence of it should be that the Report was final; but not that it should be final if the Board of Trade came to a decision in favour of any line. By taking the decision of the Board as final when it should be against any line, they would only be postponing that line for another year; but if they took absolutely the Report in favour of a line, it might have the effect of inducing Parliament to take a line which might afterwards be found not to be the best adapted to the object they had in view. He wished to say one word more on a subject which appeared to him to call for a comment. The Railway Officers of the Board of Trade seemed to him to have been brought up before the other House of Parliament as culprits; they had been treated most unfairly, and this solely because of certain transactions on the Stock Exchange which had come to the knowledge of the public. At that place there were certain gentlemen who

dealt largely in railway shares; and he was not making use of an improper word, or one which was beyond the limits of propriety, in designating these transactions at the Stock Exchange as a species of gambling, founded on their Lordships' estates all over the country. There had been inferences drawn in another place, that because railway shares realized a certain profit to those who speculated in them, this result must have been in consequence of improper communication having been given to individuals on the subject from the Railway Committee of the Board of Trade. He knew this inference had been drawn in a certain quarter where he entertained the highest respect and personal esteem; but it was in his opinion altogether unfounded. If he looked at the matter with open eyes, or even with half an eye open, if he found the Reports regularly delivered in from the first to the second, third, fourth, down to the ninth, and if, moreover, he found in all those Reports—and he must observe that persons much more acute upon these points than himself had the same opportunity for observing and for drawing their conclusions—if, he repeated, he found, and those more acute persons found, that certain principles had been adhered to by the Railway Board in coming to a decision upon the schemes laid before them, and that their decisions and Reports had been guided by those principles, then he would observe to their Lordships that it required no very great degree of intelligence or sagacity to infer that the same principle which had determined the Railway Committee in reporting upon the first nine schemes, would likewise guide them in reporting upon the tenth. It surely did not call for any excessive ingenuity to enable an acute observer to arrive at this conclusion; and yet, notwithstanding, because so obvious an inference had been drawn, and a successful speculation in railway shares had ensued in consequence, the Railway Officers of the Board of Trade had been roundly accused of collusion. This was not only a most unfounded conclusion, but the terms likewise in which it had been announced were too strong, and it was altogether a most unfair and unwarranted accusation. At the same time, he could not refrain from expressing his opinion that the traffic in railway shares ought to be put an end to by the Legislature, or by some means being placed at the disposition of the Executive Government for stopping it; or, if such a power did

not exist, it ought to be devised, in order to enable the Government to prevent such gambling. This was a subject well worthy the attention of Parliament. The first railway bill that ever passed through the Legislature was called a Private Bill. What a monstrosity it was to style such a class of measures Private Bills! Was an intersection of the whole country by lines of railways, increasing the speed of travelling by four or five times, and causing an entire revolution in the economy of the people, to be classed under the head of Private and Personal Bills? Such a thing was monstrous, and if the railway schemes were continued to be dealt with on the principle of Private Bills, the Legislature would abdicate one of its most important functions. He thanked the Government most sincerely for what had been done in this respect. It was a step taken in a right direction, and he was extremely sorry the Railway Reports of the Board of Trade had not been upheld in another quarter. If the mischief that had been done in this respect was not irreparable by the time the various railway bills came up to their Lordships' House, he trusted that a sufficient and proper degree of respect and of authority would be given to those Reports. Not that in his opinion the present Railway Board was the best constituted body for effecting the objects which it was sought to achieve. It was not a Committee of the Privy Council, nor had it the weight or authority of such a body, one only of the Privy Council being a Member of the Board; but it was formed from a subordinate class of public officers, who ought not in his opinion to have such weighty powers intrusted to them. He thought the power ought to exist, but that such a body of men as those constituting the Railway Committee ought not to be intrusted with the power of dealing with all the landed property of England. He considered, therefore, that he was doing no disservice to the noble Earl sitting on the opposite bench, if he pressed on him the necessity of reconstituting the Railway Board, and of appointing to act in that capacity men of the very highest weight and authority in the kingdom; by which step all the difficulties which surrounded the legislative progress of the bills in question would be removed; and more,—he would venture to say, that a Railway Board constituted in the way he had pointed out, and selected from the class of men he had indicated, would go far to remove all necessity for legislating on the subject of railways.

The Earl of *Dalhousie* could give no definite reply to the question of the noble Earl with respect to the period when the remaining Railway Reports might be expected to be laid before Parliament; for the labours of that Department of the Board of Trade had been of a far more onerous description than was generally known. The increase in the numbers of railway projects during the last year had been altogether unparalleled; and such a simultaneous creation of schemes would probably never again occur. It had, therefore, been utterly out of the power of that Board to do that which, from its constitution, it was originally contemplated it would, and which, under ordinary circumstances, it ought to be able to perform,—namely, to report upon all the schemes in detail previous to the meeting of Parliament, so that all the Reports should be ready to be laid upon the Tables of both Houses on the first day of their meeting. The consequence of the enormous pressure of this class of business on the Railway Department had been to prolong inquiries that were still going on before them. The Railway Board had been reproached for the tardiness of its proceedings, in not having reported on all the projects sooner; but a similar reproach for precipitancy would have been justly made had the Committee hurried through the business before them, without duly weighing each scheme in its bearings upon the whole subject. He must further call their Lordships' attention to the fact, that the preparation of their Reports, and their drawing up in detail, was a work which required time to perform it with that care which was requisite. The investigations that had hitherto taken place before the Railway Department only regarded the great outlines of each class of railway projects; and it now remained for the Board to see if the objects of the schemes were carried into operation in the Bills themselves. The various details of the Bills were extremely voluminous; the tariffs—the various regulations and stipulations—were all to be settled, independently of the preliminary investigations; and, of course, subsequent to them. But, in so far as those preliminary investigations were concerned, the Reports relating to the schemes would, he might assure the noble Earl, all be laid before Parliament very soon; though it was not possible for him to name the day on which

they would be ready. With respect to the noble Earl's views of the system that ought to have been adopted, he did not coincide in all his opinions; nor did he adopt his views with respect to the constitution of a General Railway Commission. He would not say it might not have been desirable to have adopted such a course in the first instance; but he thought that the time had passed at which such an arrangement could be made with any advantageous results. He was extremely gratified to hear the noble Earl's statements and remarks with regard to the proceedings of the Railway Board. Undoubtedly, the Members of that Department had been, to a great degree, treated as culprits, and as such they had been condemned. He did not complain of this; all he asked, was—not for pardon—not for an acquittal—but only to have as full, as severe, as unlimited, and as long a trial as was necessary to test the integrity and efficiency of the Railway Board, and the impartiality which had governed the decisions at which its Members had arrived.

Lord Campbell having said a few words on a former occasion with reference to the subject before the House, would take the present opportunity of stating that he had never imputed any blame to the Railway Committee with respect to its decisions, nor to the Government for having appointed that Department of the Board of Trade. He believed the Government had acted wisely in so doing, and he believed also that the Railway Board had carried the intentions of the Government in constituting it into full effect. But what he had said, and what he was glad to find his noble Friend (Earl Fitzwilliam) concurred in saying also, was, that the Railway Board was wholly incompetent to perform its duties. It was not constituted under the authority of an Act of Parliament. Its powers were limited. It could not examine witnesses. In short, it was founded solely on the authority of a Resolution of the House of Commons, that Resolution being to the effect that railway projects should be submitted to the preliminary investigation of the Board of Trade. But that Resolution was not sufficient to warrant the constitution of a separate Department of the Board of Trade; nor could any such body as the Railway Committee have any weight until regularly appointed under the authority of Parliament. He must, however, protest most strongly against

the opinion of his noble Friend (Earl Fitzwilliam), whose high character would give a great weight to his sentiments relative to the decisions of the Railway Board. His noble Friend had stated that the decisions of the Board, when adverse to a railway project, ought to be conclusive. That was a monstrous conclusion to arrive at, and he could not for a moment coincide in it. The noble Earl opposite had candidly admitted, that notwithstanding all the evidence before the Railway Committee of the Board of Trade, neither he nor his coadjutors could do more than guess at the various elements which were to be taken into consideration in coming to a decision; and that they had to grope in the dark, doing their best in the meantime to arrive at an equitable and beneficial judgment. He (Lord Campbell) had no doubt whatever that such had been the case; but ought it to be said that great enterprises—such as many of the rejected railways were—should be crushed, and for ever deprived of all possibility of being executed, because the noble Earl and his Colleagues had, in their hurry to get their Reports presented to Parliament, not had time to report on all the elements of such railway projects? He admitted that respect was due to the Reports of the Railway Board; but that such Reports when adverse were to be final, he would never consent to.

The Earl of Dalhousie would not prolong the discussion, but must take the opportunity of putting the noble Lord right upon one subject. The noble Lord had asserted that the Railway Committee had no authority to report on the projects brought before it. Such was not the fact. The Select Committee of the House of Commons appointed to examine and report upon the general question of railway legislation reported on the particular question whether the projected railways which were to come before Parliament, should undergo a preliminary investigation by the Government or not. This question was discussed in all its different branches by the Committee; and in the Report the Committee entered into the arguments, and detailed them at length, stating that the railways ought to be submitted to the examination of the Board of Trade, and further specifying particularly the Railway Department of that Board as the proper authority to examine them. Not only was this laid down in the fifth Report of the

Select Committee; but the Report entered into a consideration of what the duties of the new Railway Board ought to be, and it defined its powers and functions. The Report even went further; and, in order to prevent any usurpation of undue power, it laid down in distinct terms what the Railway Board should not do. Therefore, not only was there a line marked out as to what the Board was to do, but also as to what it should not do; and the authority which was to attach to its Reports was likewise clearly defined. It was in vain for noble Lords to assert, after such a precise and well-defined line as that to which he now referred had been laid down, that the Government ought not to have done what it did. The Government could, he must distinctly assert, take no other course than that which had been followed; and which, he reiterated, was precisely the one indicated by the Resolution founded on the Report he had referred to. With respect to the suggestion of his noble Friend (Earl Fitzwilliam), he could hold out no prospect that such a Commission of the Privy Council of the Lords of Trade, or any other similar body, as he had indicated, would be formed. The noble Earl would bear in mind, with reference to this subject, that to constitute such a Board would be to interfere with, and in some respects to supersede, the authority of the Legislature itself.

House adjourned.

HOUSE OF COMMONS,

Monday, February 24, 1845.

MINUTES.] *BILLS. Public.*—2^d. Manchester Division Stipendiary Magistrate.

Private.—2^d. Manchester and Leeds Railway (Burnley Branch, and Oldham and Heywood Branches Extension); Ashton, Stalybridge, and Liverpool Junction Railway (Ardwick and Guide Bridge Branches); Hull and Selby (Bridlington Branch) Railway; Leeds and Bradford Railway; Pudsey Gas; Manchester and Birmingham (Ashton Branch) Railway; Leeds and West Riding Junction Railway; Lancaster and Carlisle Railway; York and Scarborough Railway Deviation; Kendal and Windermere Railway; West Yorkshire Railway; Leeds, Dewsbury, and Manchester Junction Railway; Kingston-upon-Hull Docks; Richmond (Surrey) Railway; London and South Western Railway (No. 1), (Metropolitan Extension); Ellesmere and Chester, and Birmingham and Liverpool Junction Canals Union; Liverpool Docks; Birkenhead (Commissioners') Docks.

PETITIONS PRESENTED. By Lord Courtenay, from Alphington, for the Adoption of Measures for the Arranging of Differences in the Church of England.—By Mr. George Hamilton, from Protestants of Parishes of Forkhill, and Moyglare (Ireland), for Encouragement to Church Education Society.—By Mr. Tancred, from Banbury, for the Repeal of the Duty on Malt.—By Lord J. Russell, from the Firm of Bryant and Co., Sugar Refiners of Plymouth,

for time to dispose of Stock on hand.—By Mr. Sotheron, from Devizes, for Reducing the Duty on Tobacco.—By Mr. Pattison, from Inhabitants of Saint Bartholomew the Great, London, against the Window Tax.—By Mr. Bouverie, from Dumbarton, against any Alteration of Law relating to Banking (Scotland).—By Mr. W. Hamilton, from Isle of Wight, and by Mr. Mackinnon, from George Edward Dermot, Lecturer on Anatomy and Surgery, against, and by Mr. R. Clive, from Shrewsbury, Mr. G. W. Hope, from Southampton, and from Sheffield, for Alteration of the Medical Practice Bill (1844).—By Mr. Barclay, from Sunderland, and Mr. Ord, from Newcastle-upon-Tyne, against Increase of Naval and Military Establishments.—By Lord Dalmeny, from Dunfermline, for Alteration of Prisons (Scotland) Act.—By Mr. Aldam, from Tregaron, Mr. Brotherton, from Harlech, Mr. Bright, from Stilton, and Mr. B. Hughes, from Llanfechell, for Diminishing the Number of Public Houses.—By Sir John Hobhouse, from Proprietors of Nottingham Canal Navigation, and by Mr. Stuart Wortley, from Proprietors of Dearne and Dove Canal Navigation, for Regulating Charges by Railway.—By Mr. Lockhart from Paisley, for Ameliorating the Condition of Schoolmasters (Scotland).—By Mr. Cobden, Mr. Masterman, and Mr. Pattison, from several Parishes in the County of Surrey, for Redemption of Tolls on Waterloo and other Bridges.

SUGAR DUTIES DRAWBACKS.] Mr. *Williams* said, he wished to ask the right hon. the Chancellor of the Exchequer whether he had reconsidered the determination to which he said, on Friday last, he had come, in reference to the Sugar Duties taking effect from the day on which the Resolution should pass? The reason he asked the question was, that several communications had been received by him from Sugar Merchants, complaining of the haste manifested by Her Majesty's Government in coming to this determination, inasmuch as that those merchants had large stocks on hand, and they would, therefore be seriously affected by the change, if a drawback were not allowed until they had disposed of their stock on hand.

The Chancellor of the Exchequer said, that he received daily several communications upon the subject of the hon. Member's question. But there existed great difference of opinion amongst those who were most nearly concerned. It seemed quite certain that if a future day was named for the duties being taken off, no sugar would be taken out of bond in the interval. Therefore, upon full consideration of all the applications made to the Government, he thought it would be better to say nothing further at present than that he would, on Wednesday, be prepared to say what course he intended to take as to fixing a day for the Resolution to take effect.

INTERNATIONAL COPYRIGHT.] Lord *Mahon* wished to put a question to his

right hon. Friend at the head of the Government, respecting the negotiations which had been carried on for some time between the Government and several Foreign Powers on the subject of International Copyright. His right hon. Friend the late President of the Board of Trade had said last Session, that some differences had arisen amongst the parties between whom the negotiations were pending, but that notwithstanding, there was reason to hope that the negotiations would be brought to a satisfactory conclusion. What he now wished to know from his right hon. Friend was what progress had since been made, and whether he had any objection to lay before the House copies of any correspondence that might have recently passed on the subject?

Sir R. Peel said, that negotiations had been entered into on the subject with France and Belgium, for the purpose of giving facilities to the book trade in those countries and in this. These negotiations were carried on for some time, but they did not lead to any final or satisfactory result. Negotiations were afterwards entered into with Prussia; and, after a certain time, it was alleged on the part of Prussia that the law of copyright in this country was defective, and ought to be amended. Since that time two Bills had passed Parliament to amend the law of copyright, and diminishing the objections raised by Prussia. The negotiations with Prussia were now renewed, and in the event of their being brought to a satisfactory conclusion, similar negotiations might be entered into with other countries. If the result of the negotiations with Prussia should not be satisfactory, he (Sir R. Peel) would have no objection to lay the correspondence before the House. In a short time he would be able to inform his noble Friend whether the negotiations had been brought to a close.

On the Motion that the Order of the Day for the House to go into a Committee of Ways and Means, be now read,

SUGAR DUTIES.] Mr. Milner Gibson rose to move the Amendment of which he had given notice, and said: If the House will give me indulgence for a short period, I will endeavour, as briefly as may be consistent with a clear exposition of the views I entertain, to explain the grounds why I have thought

it proper to move an Amendment, which is as follows:—

“That no arrangement of the Sugar Duties will be satisfactory and permanent, which does not involve an equalization of Duty on Foreign and Colonial Sugar.”

I am aware that there is an objection entertained by many Members of Parliament to the moving of what are called “abstract” Resolutions; and certainly, if I were asked the question whether or not it is a desirable course to move an abstract Resolution without indicating any practical result to follow; I should answer that such a course would not be the wisest for a Member of Parliament to pursue. But it is not necessary to ask the assent of the House to what may be termed the “abstract principle” contained in this Resolution, because I believe that principle has already received the full and unqualified concurrence of the Ministers of the Crown; and, as I believe, also has been affirmed by the great majority of the Members of this House. It is because this Resolution is a practical Resolution, and indicates a mode of arranging the Sugar Duties on something like a permanent footing, that I have undertaken to submit it to the House. The course I have taken is fully sanctioned by precedent; because it will be in the recollection of the House that when the noble Lord the Member for Liverpool—on a mode of arranging the Sugar Duties having been brought forward by the late Executive Government—submitted his view in the form of a Resolution; in that Resolution he indicated what he conceived would be a fitting mode of placing those Sugar Duties on a permanent footing. The point to which he drew the attention of the House was the necessity of maintaining a distinction between sugar the produce of slave labour and free labour in the markets of this country. The noble Lord contended that it would be inconsistent with the course hitherto taken by Parliament with regard to the Slave Trade, so to arrange the duty on foreign produce as to give a direct encouragement to the Slave Trade. But though the noble Lord invited us to take that course, as something like a permanent settlement of the Sugar Duties, experience has proved that no settlement was effected; for the question of the Sugar Duties has ever since been in a state of constant suspense. Since that period the sugar trade has been in continual uncertainty and depression; and we have had already to pronounce our opi-

nion on several distinct measures for altering the taxation on sugar. And we know well that nothing is so prejudicial to the sugar trade of the country as to subject the duty to continued alterations. The questions which have been put to the right hon. Gentleman this evening are strong arguments in favour of something like a permanent settlement of this matter being effected. The hon. Member for Coventry has been calling upon the Government to make some recompense to those parties who will be visited with a great loss in consequence of their having paid a higher duty than it is now proposed to levy on the sugar which they held as stock in hand; and the hon. Member for Norwich also put a question of a similar tendency to the proposition of the hon. Member for Coventry, showing how much the holders of duty-paid sugar would be affected by the alteration of the duty. But I think I shall have no difficulty in obtaining the consent of the House to a principle which is palpable and consistent with common sense—namely, that we should endeavour to place the Sugar Duties upon such a footing as would be likely not to be changed for a long time to come. I am aware that the right hon. Gentleman the Chancellor of the Exchequer will tell me that there is constitutional difficulty in making the Sugar Duties depend upon a permanent Act of Parliament. I am perfectly aware that this is one of the duties which, upon constitutional principles, are reserved for an annual vote by the House; but it does not follow that it should not be arranged and based upon such a footing as would make it probable that Parliament would sanction it in subsequent years, and not subject the sugar trade to the injurious consequences of frequent changes. But the point to which I wish to call the attention of the House—and which I think must necessarily be introduced preliminarily to any arrangement of the Sugar Duties—is the protection which you propose to give to the colonial proprietors. I call your attention, Sir, not to the question of the Slave Trade or of slavery, because I leave that to be discussed upon some future evening upon moral and philanthropic grounds; but I call your attention to a plain question of justice in taxation—to a matter which I think I can make clear to every man—namely, that it is not consistent with our duty as legislators, when we are resolving ourselves into a Committee of Ways and Means for the sole purpose of voting a

supply to Her Majesty to meet the current Expenditure of the country—that it is not consistent with our duty at the same time to take the opportunity of levying another tax, as it were, which is not to be paid to the public Exchequer, or to be applied in defraying the expenses of the country, but it is to be appropriated to a certain class of our fellow-countrymen who have not yet made out any good claim for any such favour, and have not set forth any intelligible ground why we should take this legislative mode for making compensation for any alleged grievance. But it is proposed to take this indirect mode of putting the hands of the Colonial proprietors into the pockets of the people of England at a moment when we are professing simply to be engaged in voting money for the Public Expenditure. What is the position of the House at this time? The right hon. Gentleman the First Lord of the Treasury has invited us to go into a Committee of Ways and Means to vote a Supply to Her Majesty. I make not the slightest objections to accede to that invitation. I think, if you are to raise taxes by indirect duties on articles of consumption, a duty on sugar is a very simple and natural one. No one could object to sugar as a subject of taxation for the purposes of revenue; but it is to the second object the Government evidently has in the mode of imposing this tax that I object—namely, by imposing a different rate of duty on Foreign and Colonial Sugar, to divert the amount of the tax paid by the consumer from the Exchequer to the Colonial proprietors. It is to that part of the proposition I entertain an insurmountable objection. There can be no doubt such must be the result of the measure based on the principles submitted by the right hon. Gentleman to the House. Nothing is more clear than this, that if you impose different rates of duty with reference to the place where the sugar is grown, then the amount of that difference will, in many cases, go into the pockets of some particular class of persons, and will not find its way into the Exchequer. If this position be doubted, I will endeavour to make it clear; and if there be any fallacy in my statement, I hope some hon. Gentleman will set me right. I will take, as an illustration, two samples of sugar in bond of equal intrinsic value—of equal value I mean in the markets of the world. I will take that value at 24s. the cwt. To one of these samples I will apply a duty of 28s.; to the other

sample I will apply a duty of 14s. What is the consequence? It is quite clear that if the sample to which I applied 28s. be sold in the market of this country, it must fetch 52s.; because that is the sum of 24s. and 28s. It is also equally clear that the other sample, being of equal intrinsic value, must also fetch in the market an equal price with the first. But to this second sample I apply the duty of 14s., and still it, in the same markets must fetch 52s.; but if you deduct 14s. from 52s., what is left?—38s. The supposed intrinsic value of the sugar is 24s. exclusive of duty. Add to 24s. a duty of 14s., and that makes 38s. But in the former case, the intrinsic value is also 24s.; but there is a duty of 28s. which makes 52s. Now, deduct 38s. from 52s., and that leaves 14s. Here, then, is a difference of 14s. between the price in bond of Foreign and Colonial sugars. How does this difference of price arise? Certainly not from the intrinsic value of the sugars, irrespective of duty, because both Foreign and Colonial sugars are assumed to be at 24s. the cwt. The difference then arises from the duty—that on Foreign sugars being 28s., that on Colonial being 14s., and hence a difference of 14s. But to whom does this difference go? Not to the consumer, because the price of both Foreign and Colonial is the same in the market. Then it must necessarily go to the grower of Colonial sugar. Now, in all these cases, it is clear that this excess of price goes into the pockets of the Colonial proprietors, and not into Her Majesty's Exchequer. The question is not, whether the identical duties which are received at the Custom House go into the public Exchequer; but whether the additional price paid by the consumer in consequence of your differential duties goes to the Public Revenue. If not—and my argument is that it does not—then I contend that a gross act of injustice is perpetrated upon the people of this country, for which they receive no adequate compensation. I do not know whether any Gentleman will dispute that such is the effect of a differential duty. If you impose a rate of differential duties, you will attach to the value of every description of Colonial sugar the full amount of the difference of those duties. If the amount of protection be 10s., as the right hon. Gentleman says it is, then 10s. will be added to the value of all Colonial sugar over and above the price it would otherwise sell for. The right hon. Gentleman

first adds 14s. duty to the price of Colonial sugars, and he then adds 10s. (according to his own statement) to that price, by way of protection, by subjecting Foreign sugar to an extra tax to that amount. What, then, is the real extent of this fraud—if I may use so strong a term—upon the Revenue, as resulting from this system of protection? The right hon. Baronet told us the other evening, that he expected 230,000 tons of Colonial sugar to be consumed in this country in the course of the next year. Now, this, at a duty of 10s. per cwt., being 10*l.* a ton, upon 230,000 tons, amounts to 2,300,000*l.* That is the sum which we are now invited to take from Her Majesty's Exchequer, and pay over to the West and East India proprietors. 2,300,000*l.*, for which no explanation has been given, is to be taken out of the pockets of the people of this country and be paid over to our Colonial producers. What a monstrous act of injustice this appears to be upon the face of it! I know there are Gentlemen who will contend that there are good reasons why the Colonial proprietors should thus be entitled to deduct 2,300,000*l.* from the Public Exchequer next year. I know there are Gentlemen here who would contend that a case has been made out for such a transfer of the public money. But I, as a Member of Parliament, representing the public interest, and not the interest of any peculiar class, am entitled to ask, what are those grounds and reasons? I am entitled to ask that something like a case should be substantiated before the claim is assented to, and that the House should not, in a blindfold manner, make a transfer of so large a sum of the public money to individuals of whose right or claim no notice whatever has been given to the House. We are invited to give money to Her Majesty's Exchequer, but we have since been asked to give 2,300,000*l.* to the West and East India proprietors. Why was not that mentioned also in the invitation? Why not set forth, as it were, in your proposition? The Government are ostensibly doing one thing, but in reality are doing another, and a very different thing. I should be the last man to advocate the principle I am now advocating, if I thought that any injustice would be done to our Colonies. I hope hon. Gentlemen will not attach to me the charge so frequently thrown out, that because a Member of Parliament advocates justice in national taxation, that therefore he must necessarily be influenced by peculiar animos-

sity against some particular class of British producers. I say it with the most perfect confidence, that there is no man in the House who would be more glad and desirous than I am to see the Colonial proprietors prosperous, and that all the interests connected with our English settlements should go on prospering and flourishing. But it is quite consistent with such a desire that I should be anxious to prevent any undue tax being imposed upon the people of this country. And if there be one duty more incumbent on a Member of Parliament than another—or if there be one course of action which is more distinct and legitimate for him to follow than another, it is that he should take care that the taxes levied upon the people of this country should not be applied to private and individual uses, but scrupulously devoted to public purposes, and faithfully used for meeting the National Expenditure. I hope I may advocate these principles fairly and boldly, without laying myself open to the charge of being actuated by any peculiar animosity against the West and East India proprietors. It has been alleged that there are grounds for transferring these 2,300,000*l.* during the next year to the Colonial proprietors. It has been alleged that by the legislation of this country in former times, you acted towards the Colonial proprietors in such a manner as to give them a just and equitable claim upon your Exchequer. If that be so, I should prefer a more direct mode of making that claim than that of giving a compensation to the West and East India proprietors in the form of a monopoly. I believe it would be more satisfactory also to the public, if they could see an account made out—for there is nothing which the British people like so much as a balance-sheet, fairly set forth in a clear and perspicuous manner—and if a just claim could be made out, they would not object to compensate the parties from the public Exchequer. I contend that no such claim has been or can be made out; and that whatever difficulties the Colonists may have laboured under in consequence of what may be termed the legislation of this country, have been amply compensated in the shape of the vote of public money to the amount of 20,000,000*l.* sterling. I remember the right hon. Gentleman now at the head of Her Majesty's Government distinctly stating that we were entitled to deal with the West India interests according to our judgment; that we had purchased the right to do so. When the right

hon. Gentleman used that expression, I conceived that he alluded to the twenty millions granted to the Colonies by the British Parliament. With regard to the alleged deficiencies of negro labour in the Colonies, and to the difficulties said to have been caused by legislation, I wish to make this observation to the House:—If 2,300,000*l.* are to be given out of the pockets of the people, I would ask, is it reasonable to give it to other than those who complain of these grievances, of want of labour, and impediments caused by legislation? Have the East Indies, has the Mauritius, or have even some of the West India Islands themselves, suffered from want of labour? Why, then, do you propose to give to the proprietors of the Colonies this large sum of money indiscriminately? Many of them never pretended to have any claim upon the House; and if it be true that some of the West India Colonies are deficient in negro labour in consequence of legislation, is that a reason why you should give this monopoly to the Mauritius, the East Indies, and those islands of the West Indies which have no such deficiency? If we are to vote this 2,300,000*l.* in this indirect and unsatisfactory manner, at any rate let us vote it to those who have a claim upon us, and not indiscriminately to them and to parties who have no claim. We know, and the hon. Member for Paisley (Mr. Hastie) will substantiate the statement I am about to make, that there is no part of the globe in which labour is more abundant and cheaper than in British India; and I believe I am correct when I state, that at the present moment in the Mauritius there is a surplus of labour, and that persons are wandering about for want of employment. So great is the number of Hill Coolies who have arrived there, that there is not sufficient labour for them. This is a point which must not be lost sight of. If it be right to vote this 2,300,000*l.* to the Colonists on the ground of a deficiency of labour, it cannot be right to give it to the East India possessions, to the Mauritius, or to those islands of the West Indies which have a sufficient supply of labour. It must be admitted, too, that Barbadoes is at the present moment overflowing with labour; so likewise is Antigua. Now, all these, I contend, ought to be left out of the list of share of 2,300,000*l.* This, then, will very much reduce the number of Colonial producers who can have any fair and just claim upon the Legislature for compensation. The list of exceptions are the British

East India possessions, the Mauritius, Barbadoes, and Antigua. Let us now consider whether the residue of Colonial producers (after striking these out of the list) are themselves entitled to any portion of this 2,300,000*l.* What is the alleged grievance with reference to the deficiency of labour? It is meant to be said that labour is dear in consequence of labour not being abundant. It is meant to be said that the cost of the production of sugar in these West India islands is increased by the difficulty of obtaining labour, except at a high rate of wages. These are the allegations; but what are the facts of this case? We must receive very cautiously the statements of interested parties when we come to the question of the cost of producing sugar. Therefore, if I take any evidence on this point, I will confine myself solely to such evidence as must be deemed credible and important, as coming from persons entitled to be considered authorities upon the subject, and at the same time totally disinterested. What, in the first place, then, was the cost of producing a cwt. of sugar during the time of slavery, at a period when the thought of the emancipation of slaves was not very substantially or confidently entertained by any portion of the community? I will take the year 1828, the emancipation of the slaves taking place in 1834. I will state the cost of producing a cwt. of sugar with all the advantages of slavery, when it existed in its most unmitigated form. The authority I shall quote is entitled to respect, it being that of one of the public officers of the present Government—Mr. Porter, of the Board of Trade—a gentleman perfectly disinterested, and who has written a very able book on the Culture of the Sugar Cane. What does he say as to the price of producing a cwt. of sugar during the period of slavery? Why, he says that the cost of producing a cwt. of sugar previous to 1828, when slavery existed and emancipation was hardly expected, was 9*s.* 10½*d.* He states, that for a period of ten years, from 1819 to 1829, the expense of cultivating a particular estate in the West Indies, including salt provisions, provision grounds, lumber stores, expenses of manufacturing sugar, and the salaries of overseers, amounted to 26,851*l.* The number of slaves, of all ages and both sexes, averaged at 140. The produce for these years was 29,492 cwt. of sugar, and 164,285 gallons of rum. The rum, valued at 1*s.* 6*d.* per gallon (it is now 2*s.* 4*d.*), would amount to 12,321*l.*,

thus leaving a balance of 14,530*l.* as the cost of cultivating the sugar, being at the rate of 9*s.* 10½*d.* per cwt. This is what Mr. Porter informs us, and he is a perfectly disinterested authority. I am aware that very different statements may be brought forward, made by West India gentlemen before Committees of this House, in which they have endeavoured to make out that the cost of production has increased since the abolition of slavery; but I contend that if we, as Members of Parliament, are to resort to authorities, let it be the authority of a public officer—a man of great experience, and possessing the confidence of the Government—and let us not refer as authorities to less impartial sources, or persons who may have some purpose to serve. The evidence of such a man as Mr. Porter is worth five hundred-fold more than evidence given by interested parties before a Committee of this House. I have given you the cost of the cultivation of a cwt. of sugar during a period of slavery—namely, 9*s.* 10½*d.* I will now give you the cost of producing a cwt. of sugar since slavery has been abolished, and this also upon an authority which must have great weight with the House. I will give an estimate of the costs on two estates which are at the present moment subject to all those difficulties which are now complained of, and which are alleged as the ground of this proposed protection to the colonist. The quotation I shall make is from the Jamaica Royal Agricultural Society's *Reporter* of the 20th of June, 1844. It is a quotation which has appeared in a very ingenious periodical, which I am sure Her Majesty's Government cannot fail to have read, namely, the *Economist* newspaper. It is to that paper that I am indebted for my information. It is a fact, not an argument. The statement is this:—

“The Clarendon Agricultural Society gave a prize of 20*l.*, or a piece of plate of that value, to the manager in the parish making the greatest quantity of sugar at the smallest cost, from the 1st of January to the 31st December, 1843, all things considered.”

To the manager's expenses are added all other expenses, which are included in the estimates of the cost of the cwt. of sugar during the time of slavery. But what is the sum stated in this report as the cost of producing one cwt. of sugar? On one of the estates, the cost was 10*s.* 2*d.*; and on the other, it was about 6*s.* 9½*d.* So we have a good authority for stating that the cost of producing one cwt. of sugar

in the West India islands during the period of slavery, was 9s. 10 $\frac{1}{4}$ d., while at the present moment it was something between 10s. 2d. and 6s. 9 $\frac{1}{2}$ d. I want to know why that can possibly be a ground for giving the West India proprietors a protecting duty of 10s.? Why, 10s. is more than the whole cost of the sugar! I will take the protection duty at 10s., as stated by the right hon. Gentleman (Sir R. Peel) himself, though rumour is saying that the measure of the right hon. Gentleman will give a larger protection. But, taking it at 10s., I ask upon what ground is it that you give this large additional price upon every cwt. of sugar produced in the West India Colonies? I repeat, 10s. is more than the cost of all the labour; so that if Brazil could grow sugar for nothing—if their sugar rained down from the skies, without the slightest effort used by common industry to produce it—still this protection duty of 10s. on Colonial sugar will subject the sugar of Brazil to a disadvantage as compared to the produce of the West Indian proprietors. Can anybody deny the justness of this argument? Have I not established this fact upon sufficient authority? If it be so, I ask, are we, without any further inquiry, or without any attempt to resist this obnoxious tax in favour of our Colonial sugar,—are we calmly to allow you to take the public money, and not call upon you emphatically, and in a spirit of remonstrance, to give us a clear and satisfactory account of what it is you mean by asserting a necessity for imposing this 10s. protection duty? If you say it is in consequence of the deficiency of labour in your West India Colonies, then I ask you, is that the fact? Will any Member of the West India body, get up and state that even in the Colonies which suffer most, they find any real difficulty in obtaining labour, or that they suffer any difficulties from the fewness of labourers? Why, the noble Lord, the present Secretary of the Colonies, who now sits in another place, told us, a year or two ago, that the present quantity of labour in the West India Colonies was sufficient, if that labour were properly applied, and if the labourers were properly used; and he went on to say, that if all the remains of those evil practices which existed during the time of slavery were abolished, and if the West India proprietors would attempt to carry out the principle of emancipation in a faithful and true spirit, there would not be any difficulty—I think I am entitled

to infer this much from the language of the noble Lord—in obtaining a continuous supply of labour. These were his words The noble Lord, in the debate of the 24th of February, 1842, said,—

“He would venture to say this, with respect to the expense of cultivation, that there was no single instance in which this natural consequence had not followed as effect and cause,—namely, that when they gave to the negro labourer an interest in the amount of work to be performed, and in the amount of produce raised, then they would obtain constant and industrious labourers; but when they did not give that interest they would not obtain them. The amount of competition carried on there at present was ruinous. The planters were competing with each other in this way, by employing their labourers for a certain time, and paying them accordingly; and not giving the labourers an interest in their work, by awarding according to the actual portion done. This, he thought, was a great cause of the ruinous expense which the planters were now subject to in the West India Colonies.”

Thus, then, it appears that the reason why you cannot get labour in the Colonies continuously, and why you cannot get the negro to give his exertions in your service, is based on a very natural ground—it is that you will not reward him according to the work he does. If this be a correct statement—and I have it on the word of Lord Stanley himself, who ought to be an authority with the West India proprietors—for the noble Lord was a great advocate for the 20,000,000*l.* compensation grant—why then, I say, that if you were to adopt the same principle with respect to your British labourers, and were to deal with them as you have with the West India labourers, by not paying them according to the work they did, I very much doubt whether, in many branches of industry, you would not find the same difficulty to obtain continuous labour, as that which you now complain of in the Colonies. It was stated the other night at a public meeting, that besides the deficiency of labour, the West Indies laboured under another evil—the number of able-bodied paupers. If so, it presents a very strange anomaly; for on the one hand we hear that there is not a sufficient number of labourers, and on the other that there is such a surplus of labourers that parts of the West Indies abound in able-bodied paupers. This seems a mere contradiction, unless we can suppose that there is such affinity between able-bodied paupers and monopoly, as we know exists between

certain chemical substances, which, to the uninitiated, appear to be of very opposite natures. If these able-bodied paupers exist, their existence arises, in my belief, from the nefarious system pursued in the West India Colonies with reference to the manner in which labour is employed. You create the greatest repugnance to the employer, if you persist in making the freeman a slave. I doubt whether the conditions imposed upon a great number of West Indian labourers are not inconsistent with the spirit of the Emancipation Act, and with the notion that the negro was to be raised to all the rights and privileges of the freeman. There is another reason why you experience great difficulty in your West India Colonies, which was formerly adverted to by the noble Lord at the head of the Colonial Department, who pointed out so many of the causes of the present condition of affairs there. The noble Lord pointed to the absentee system, which prevails to such an extent, that as long as it continues it is in vain to hope that industry would be productive under any system of monopoly or protection. The great bulk of West India proprietors live away from their estates, and are ignorant of all the branches of industry necessary to the cultivation of their estates. Those estates are left entirely at the mercy of overseers and attorneys, persons who have no interest in the permanent value of the inheritance, but merely in getting as much out of the soil as will answer their own purposes. Manufacture, agriculture, distillery, chemistry, are all necessary to the production of sugar—all these are entirely neglected by the only person who has a real and lasting interest in the successful cultivation of his property. I may ask my hon. Friend the Member for Stockport (Mr. Cobden), if he were to reside in Vienna, and leave his print-works to be conducted by attorneys and agents, bent only on filling their own pockets, whether he would find it possible, however favourable markets and prices might be, to continue his business with such profit as ought to give him a due return for his capital? Yet this is the condition in which the West India proprietors place themselves. An English landowner lets his estate to a tenant, and it has at least the benefit of the personal presence and exertions of that tenant; but the West India proprietor, who is landlord, tenant, manufacturer, distiller, and merchant, all in one, comes to us and tells us that his business is not profitable, and that the Representatives of the people of this country

must levy a contribution on the great mass of working industry, in order to make good a deficiency produced by his own absurd and injurious management. Every body, I think, must admit that there is considerable force in this observation; but I would not claim for it that merit, if it had not been already made by persons of greater authority, and by nobody, perhaps, oftener than by the noble Lord the Secretary for the Colonies. For my own part, I should be sorry that my hon. Friend the Member for Weymouth (Mr. Bernal) should exchange his agreeable residence (to no one more agreeable than to his friends) in Eaton Place for the island of Jamaica. I should regret, also, that he should be exposed to the influences of that unpleasant climate; but I confess I see no hope for the West India body, unless they take upon themselves the management of their estates in person, instead of trusting them to those who have not the same interests as the proprietors. There seems to me no hope, unless the proprietors will gird up their loins, and quit this country in order to attend to their own business abroad. There can be no prosperity for the West India Colonies by any arrangement or juggling of duties in this House. No majorities here will give prosperity to the West Indies; and no dancing attendance at the Colonial Office will accomplish any such end. Nothing can be done for these Colonies but by adopting a better system of management—a more economical application of labour—an introduction of better modes of cultivation, by the application of science and machinery. The noble Governor of Jamaica, Lord Elgin, has stated that the mere substitution of the plough for the hoe would make a difference of 50 per cent. in the amount of production. Are all the authorities I have taken the liberty of quoting to go for nothing? and is nothing to be done for the West India Colonies but through protection and monopoly? But I would ask whether the most convincing facts may not be brought forward to show that the little labour in the West Indies is very ill applied? Of what comparative use is manual labour if you do not make it more productive by the employment of machinery? It has been long a maxim in our manufacturing districts, that if you have only so much manual labour you must increase it by machinery; and why is not this principle to be applied to the West Indies? There has been no necessity to use such arguments to our

manufacturers at home; they have retained possession of the markets of Europe, not by manual labour, but by having discovered that it is expedient to unite machinery and labour, in order to make both adequately productive. That must be done in the West Indies. I observe in a West Indian journal of great merit and consideration, the speech of a Captain Dillon, in which he urges this doctrine in an extremely able and sensible manner; he asked whether it was not more advisable for them to expend part of their Colonial income in purchasing steam-engines, and in importing new machines from England, than in promoting the immigration of fresh labourers? In truth, he took a most sound view of the subject; and it is a fact, that during three centuries there has not been the slightest improvement in the cultivation of sugar. I have been told, on the best authority, that the steam-engine, which has proved so beneficial an aid of human labour, has not been generally used in the West Indies. Upon this point I will venture to read a short extract from a West Indian newspaper, which deservedly possesses considerable influence in the Colonies. It is called the *West Indian*, and the editor remarks,—

“We have repeatedly declared our conviction, that obstinate perseverance in the use of manual labour, in the production of sugar, must prove ruinous; the only safe alternative is to resort to a plan which, in a great measure, would supersede its use.”

It seems to me that this obvious resource has been entirely neglected in the West Indies; and there cannot be a more striking proof how unwilling the West India interest is to make any effort to render labour productive, than the fact I am about to mention. At present, a great number of labourers are employed, in consequence of want of facility of locomotion, and the means of conveying goods from one part of the island to another; and some spirited individuals, therefore, proposed a railroad between Kingston and Spanish Town. Not one of the gentlemen whose interests are protected, and whom protection, according to their own account, stimulates to improvement, could be found to give countenance and support to this undertaking. Who, then, were the parties who did come forward to take up the proposition, and to furnish the funds? The persons who have no confidence in protection, but who look forward to the adoption of free trade, and to exposing the West Indies to free compe-

petition with the produce of the world. These were the parties who found the money for the railroad between Kingston and Spanish Town; who relied upon the soundness of their own principles; and who, as necessity, according to the old proverb, is the mother of invention, see the time not far distant when competition will reduce the West Indies to the necessity of introducing improvements. If the West India proprietors had faith in their own principles, why did not they step forward to establish this railway? If protection affords such a safe investment of capital, why did they let others step in to reap the advantage? The truth is, that they believe there is to be a speedy end to protection; and, so believing, why do they not give it up at once, instead of keeping trade, manufactures, and the interests of the producer in the West Indies, in such continual suspense and uncertainty? I am persuaded that the West India Colonies are enervated by protection; and the reason why the railway project was left to free-traders was that the West India proprietors are enervated by monopoly. This is an important fact, which ought not to be forgotten, and nothing tells so well upon Members of Parliament, and upon the British public, as plain and stubborn facts; and here we see that not a single protectionist could be found to take a step in the matter, while it was left entirely to those who advocate the principle of the equalisation of duties. Is there not, then, some ground for the assertion that monopoly enervates; and that in order to make a branch of industry flourish, it must stand on the sound, solid basis of free trade and competition? I will not dwell longer on this part of the question, because I fairly admit that if it could be shown that, in the West Indies, plans of most economical cultivation are adopted—if it could be shown that protection has worked all the good the most sanguine of its advocates could predict, I should still say that it was an injustice to the great body of the community. I should still say that our merchants had a right to supply the consumer with sugar by the operation of commerce with Brazil and Cuba. I should still place the question on the broad ground of justice and sound policy. I maintain that you cannot, with any show of justice, interfere with freedom of exchange, and that if we had an ample supply of sugar, and at the prices of the world, it is incumbent upon us to change the system, and to adopt the principles of free trade, in

justice to all classes of Her Majesty's subjects. I know that such an abstract view of the question is not palatable to hon. Members on the other side; they are fond of saying that although protection bears on the face of it injustice to the rest of the commerce of the Empire, yet that we gain an advantage by some extension of importation, by some increase of trade, by some augmentation of power, or by something which has a tendency to satisfy the people that national interests are consulted. Let us take, then, a short view of this allegation. Can it be said that we augment our imports by the protection afforded to the West India Colonies? Here I ought to say, that I take the liberty of limiting my statement to the West India Colonies; because I well recollect that, when the right hon. Member for Taunton (Mr. Labouchere) brought forward the question of the Brazil Trade, the right hon. Member for Newark (Mr. Gladstone) said, that protection was not meant for the Mauritius, nor for British India, but solely and exclusively for the West India Colonies. I shall, therefore, direct my argument to that point, and I ask whether protection has increased our imports from the West Indies? I will take a period previous to the abolition of slavery, and I assert that your production was decreasing for many years before 1834, when Emancipation was carried. Your production and your importation were decreasing, in spite of your boasted monopoly and the advantage of slave labour. It is not to be forgotten that this protective duty was enacted at a time when you were owners of slaves, and the employers of slave labour. It did not arise out of any new theory, or from any philanthropic considerations regulating taxation, or the imposition of duties; but it was adopted during times of slavery and slave labour. Nevertheless, the imports from the West Indies had been gradually failing; and what has been the case since? Notwithstanding the vast increase of our population—notwithstanding the vastly augmented demand for sugar—and notwithstanding our vaunted anxiety to promote the comforts of the labouring classes—notwithstanding, I say, all this, your imports have been nearly stationary. They may have varied a little from year to year; but I believe I am correct in stating that there was a larger quantity of sugar imported in 1834, the very year of emancipation, than during the year 1844, the last date to which the accounts have been made up. It will be in the recollection of

the right hon. Baronet at the head of the Government, that he distinctly informed us that there had been no material increase in the quantity of sugar imported from the West Indies, and that although in one year, perhaps, it might have been a little greater, still that upon the whole the import had been comparatively stationary. And when we consider the enormous increase in population, what a real deficiency does this establish? The same limited amount has been divided between such an increased number of persons, and how much smaller a share must have fallen to the lot of every poor person! We know that the middling and higher classes have not diminished their consumption of sugar, so that the diminution must have fallen upon the poorest classes, and so far their few comforts must have been materially reduced. Can anything be more unreasonable than to doubt the evil inflicted upon this community by continuing your supplies of sugar mainly from the protected West Indies? Let us look at the price of sugar last year as derived from continental price-currents; let us look at the average price of Colonial sugar in bond during the last year; there were none but Colonial sugars consumed last year, excepting a very small quantity of slave-grown sugar, which the right hon. Baronet cannot keep out of the market. It may be said, therefore, that the consumption was entirely sugar of our own Colonies, and what was the average price here and abroad? It was 21s. per cwt. on the Continent, and 34s. at home. Thus there were 13s. per cwt. difference upon no smaller a quantity than 207,000 tons: 13s. per cwt. is 13l. per ton, and 13l. per ton upon 207,000 tons, according to my calculation, makes a difference of no less than 2,600,000l. paid by the people of this country for their sugar beyond the price paid for an equal quantity on the Continent. Is this legislating for the benefit of the poorer classes? Is this in accordance with the Queen's Speech, that we were at last to consider the condition of agricultural labourers and artisans in the various branches of industry, with a view to promote the comforts of the lower orders? Are you prepared to maintain that the working man in England shall pay 13s. per cwt. more for his sugar than the working man upon the Continent? Is that your pretended sympathy for the sufferings of the poor, and your vaunted anxiety that their comforts should be increased? Are not such professions disgusting, and do they

not tend to humiliate us in the eyes of the world? It is humiliating for us to affect such sympathy for the working classes, and to show such real anxiety for the welfare of protected interests. We cut down the expenditure—we pretend the deepest regret at the sufferings of the poor—we are anxious to relieve the great body of the tax-payers from their burden, but we coolly, and without explanation, inflict a real impost of several millions a-year on the lower orders in the shape of protection to the West Indies, and augment the miseries we profess to feel and pretend to relieve. It is substantially made out that your imports have not been increased by protection; you had monopoly and slavery, and your imports declined, and now you have monopoly and free labour, and your imports are stationary. But some may assert that exports do not depend upon imports, and that our exports have increased—that we have a larger trade with the West Indies than if protection were abolished. Is this the fact? Is not the fact the very reverse? Have your exports increased under the protective system? Certainly not. They were as great in 1794 as they are now. It may, indeed, be alleged that in 1794 the West India Colonies were the mart for the supply of our manufactures to the Spanish Main, and that on this account the comparison is not fair: I will, therefore, take the last twenty years, and ask whether your exports have materially increased? Have they shown a disposition gradually to augment? Quite the reverse. The House does not like to be troubled with tables, but let us look for a moment at the exports at various periods during the last twenty years. At this moment they were not so great as in 1794, when the exports amounted to 3,632,073*l*. In 1804 they were 4,281,736*l*.; 1814, 6,315,000*l*. 1824, 4,837,086*l*.; 1829, 6,612,085*l*.; 1842, 2,591,425*l*.; and in 1843, 2,882,441*l*.; The difference, therefore, between 1824 and 1843 was upwards of 2,000,000*l*., so that this beneficial system of protection had had the effect in twenty years of most importantly reducing the exports. If there be truth in figures this point is incontrovertible. I sit here having the honour to represent the borough of Manchester; and, as a Manchester man, if you prove to me that the West Indian is a better buyer of cotton goods than a Brazilian, I will say that there is something in protection; but I never heard it stated that the West

Indian pays one farthing more for a bale of calicoes than a Brazilian; and what is the benefit of protection to the manufacturer if one customer pays no more than another? What is the use of telling me in an indefinite way that protection is beneficial, when facts cry out loudly that it is injurious? I have satisfactorily shown that both imports and exports have been lessened by it. You may tell me, to be sure, that the East India trade has increased under a system of protection; but let us look at the facts a little there too—let us analyse the various commodities, and we shall find that instead of protection having done good, free trade has done good. The increase has mainly been in articles not protected, such as indigo and wool, while in sugar it has been comparatively small. I see that my hon. Friend the Member for Paisley (Mr. Hastie), smiles at my statement, and I am ready to defer to him as unquestionably a great authority on such matters; but I contend that the improvement of trade with the East Indies establishes the advantages of free-trade principles. What other argument can be used in favour of monopoly? I may be told, indeed I have been told, that it has long been the practice to protect our Colonial interests—that it is part of our English policy, and that it ought not to be discontinued at once. If so, how inconsistent is the right hon. Baronet (Sir Robert Peel), who proposes to admit cotton from India upon the same terms as cotton from the United States, or from any other part of the world. Only the other day he admitted the wool of foreign countries upon the same terms as the wool of Australia. Were not those departures from his principle of protection? Consistency in wrong is therefore on every account out of the question, and protection resolves itself into an arbitrary system, which you choose to adopt whenever you have the power to enforce it. I believe that the right hon. Baronet would be willing to put an end to it, but that he is prevented by his Parliamentary supporters who have placed him on that bench, a situation he is reluctant to relinquish, though he retain it at the price of some of the best interests of the community. I have shown it is not for revenue, because I have shown that whilst we are putting a tax upon the consumer, we only pay a portion of it into the Exchequer, and the remainder is paid over to private individuals. Therefore, this protection cannot be for

revenue, for it defrauds the Revenue. I have shown you that it is not for imports, for the quantity of sugar imported into this country under it has not increased. I have shown it is not for exports, because the trade with our Colonies which has been protected, has been a stationary trade, and has not been favourably influenced by your protection. I have shown that it is not for consistency, for the right hon. Baronet at the head of the Government has but the other evening proposed to admit Foreign and Colonial produce upon the same terms. I have shown that it is at variance with sound principles, which principles are admitted by the First Minister of the Crown, and assented to by this House. I have shown that it is at variance with the principles laid down by eminent philosophers and political economists. What, then, must we presume to be the meaning of this protection? It is only an arbitrary tax, levied on the people of this country by force of the numbers who support the monopoly in this House, for which there is no adequate return. That is the position which I am entitled to take upon this question, unless you show me that my arguments are ill-founded, and I have been misled by fallacies. And I say that, if my reasoning has been fallacious—if I have assumed anything which I ought not to have assumed—or have been misled by anything like false reasoning—I call for the refutation. But I do say, as a Member of this House representing an important manufacturing district—representing a great body of the industrious classes—if you fail in that refutation I am entitled to ask you to desist from this unworthy system of legislation. If you fail in that refutation, I ask you to desist now, and I believe that no future time will be better fitted than the present. To Her Majesty's Executive I would say emphatically, if they would only beard some of their supporters, and resist the oppression practised on the Executive Government of this country, be they Whig or Tory, by these great monopoly interests—I say if they would do this, although the right hon. Baronet might for a short time forfeit the Parliamentary confidence of a few of his supporters, he would be backed by the intelligence and public virtue of the great body of the community, and considered as a Minister who had acted in a manner at once just and fair to all classes of Her Majesty's subjects. I should be unwilling to do injustice to the

West Indies. If I thought this proposition of mine had the slightest tendency to injustice, and did not show a due regard to the interests of any portion of my fellow-countrymen, I would not be the man to bring this question forward. But because I believe that the interests of the West India proprietor, the merchant, the consumer, and the Revenue, in short, of all classes, are combined in the abolition of this Colonial protective system, because I firmly believe this, I advocate the abolition of all distinctive duties. We want not the example of foreign countries. We have been told that foreign countries are more restrictive than Great Britain, and that if we do make these sacrifices, sacrifices of the few for the benefit of the many—if we do make these sacrifices, we have been told that foreign countries are acting on a different principle. That may be true to some extent; but if we see the fallacy of our legislation, don't let us make it an argument, because foreigners choose to tax the consumer for the benefit of a favoured few, that we take the same course. But is it true? Have we not some bright examples of foreigners not adopting the same system of Colonial protection? Take the case of the Dutch Government. The Government of that country admits the sugar and coffee, and all the produce of Java, upon the same terms as the produce of Brazil and Cuba, and other foreign countries. That is to say, at the same rate of duties. And what is the consequence—what is the practical result of that fair competition? Why, that the production of sugar by free labour in Java has gradually increased during a long period of years, and has risen from 10,000 to 50,000 tons. But, Sir, I have the figures here, and I will take the liberty of stating them to the House. I know, however, that the House does not like tabular statements, and I will only, therefore, say, that from 1829 to 1843, the production of sugar in Java increased from 91,227 cwts. to 929,583, or nearly 1,000,000 cwts. Here is an increase with fair competition with the sugars of Brazil and Cuba—free labour against slave labour, a competition which you are unwilling shall take place in this country. Here is a bright example which may satisfy you that free labour produce may compete with slave labour produce; and I call upon you, if you have any wish to see the emancipation of the slaves carried out in all parts of the world, not to sanction that dangerous doctrine, that the

labour of the free man cannot compete with the labour of the slave. I have now done, but before I sit down I will thank the House for the indulgence with which they have listened to me. If I have said one word that may at all be supposed to show a feeling of animosity to any peculiar interest or class, I wish most distinctly to deny that I had any such intention. My object is simply to see a sound system of legislation adopted, and with that single remark I conclude by moving my notice as an Amendment upon the Order of the Day. The hon. Member concluded by formally moving the Amendment stated at the commencement of his speech.

Mr. Ewart said, he did not regret, but rejoiced, that his hon. Friend (Mr. Gibson), in a moment of inspiration, had taken this cause out of his hands; the magnitude of his constituency, and the ability with which he advocated their common principles, entitled him to discharge the duty upon which he had voluntarily and properly entered. He regretted, however, that those who occupied the Bench below (the front Opposition Bench) had not earlier brought this important subject under the consideration of the House; and that the noble Lord the Member for London, instead of moving an Amendment with regard to the relative proportions of duty, did not meet the whole question by boldly moving the equalization of the duties on Foreign and Colonial sugar. He should rather have seen that noble Lord, instead of engaging in a system (if he might so call it) of flirtation with free trade, entering into the holy bonds of matrimony with her. When he thought of the position of that noble Lord and of free trade, he was sometimes inclined to quote the lines often cited before—

“*Libertas : quæ sera tamen respexit inertem ;
 Candidior postquam tondenti barba cadebat :
 Respexit tamen, et longo post tempore venit.*”

But the principles of free trade, adopted first of all, perhaps, by Members of the extreme Opposition, supported afterwards by the Whig Members of the House, and finally taken under the protection of the right hon. Baronet opposite, were working their way silently and securely, and must eventually triumph. The evil of this protective system was proved by the statement the House had just heard; and that statement was confirmed by the evidence of Mr. J. D. Hume, and Mr. McGregor,

by the testimony of Mr. Porter, and allowed by every writer on finance. The enormous pressure of this taxation upon the people would scarcely be credited. The House had no right to restrict the free trade in sugar. The Foreign trade of this country went on increasing; its Colonial trade did not increase in an equal ratio; what right had they to exclude their people from that increase? Let the House look at the relative proportions of the trade of this country, and of America with Cuba. The United States carried on a trade with Cuba double that of this kingdom, and solely in consequence of these unjust and oppressive duties. Let them take the case of Brazil and China—the two parts of the world with which most especially their trade might be extended. An enormous duty was placed upon the tea of China, and the sugar of Brazil, and thus the operations of trade were limited and restricted. But it might be urged, in the case of sugar, that this duty was kept up because of the existence of slavery. Did they think they could put down slavery by fiscal regulations? Why, suppose that when first their great manufacturers introduced the cotton and tobacco of America into this country, they had been objected to because they were the produce of slave labour; would the rejection on this ground have destroyed slavery in the United States? He believed there was only one great emancipator, and that was commerce. That was the only legitimate means for destroying slavery, or the Slave Trade, in any portion of the world. The unhappy traffic in human beings was more undermined by the slightest influence of commerce, than by all their gunboats, or by any naval armament. The merchants of Liverpool and of London, who traded with the western coast of Africa, were doing more to put down the Slave Trade by encouraging commerce, than all the surveillance of the coast by all the naval powers of Europe. The real remedy for slavery, which was ostensibly held forth as the cause of these high duties, was, therefore, the extension of commerce. But he should be told that they were bound to maintain the existing protection of Colonial interests. What had been the result of all their protection? Lethargy—complete paralyzation of the powers which ought to be called out and developed in the West Indies. His hon. Friend the Member for

Manchester had alluded to what was going on there. He had spoken of the Kingston and Spanish Town railway. Now he happened to be connected with that very railway, and could confirm what he had said. A near relative of his happened to be the Chairman of the Board of Directors of that railway, and he would take the opportunity of remarking, that so far from finding the poor negroes unwilling to work, he bore testimony to their industry, for they were the workmen employed in the execution of the undertaking. There was great promise that the enterprise would be a successful one, and well repay the British capital embarked in it. One of the greatest maladies of the West Indies was the gigantic evil of absenteeism. Talk of the absenteeism of Ireland, what was that compared with the West Indies, at a distance of 3,000 miles from the residences of so many of the proprietors of the land. How was it possible that the proprietors of land in the West Indies could ever exercise that paternal care over their property which was so necessary to develop its resources? There was his hon. Friend the Member for Cumberland below, and he would ask his hon. Friend whether the system of agencies and overseers was that best calculated to bring forth the energies of our Colonies? He knew that the most sound thinking men amongst the West India proprietors saw the evil of absenteeism; and he also knew that many of them were sending out at this moment excellent agriculturists from England, who understood the chemical properties of the soil, and the proper application of manures, and agricultural machinery; they were, in fact, applying all the modern refinements adopted in our present system of agriculture to the development of the West Indies. These were the men who would call forth the energies of the West Indies and increase their produce, and not the protectionists. This species of competition in the West Indies was but an echo from this country; and when it came into full operation it would produce great results. Competition was the only means of putting down slavery and developing the resources of the West Indies, and not fiscal regulations and naval armaments. But he might be told that they had now introduced to the notice of Parliament a mode of settling the question of the Sugar Duties. Did they call their present plan a settlement of the question? Why, if the

system which they introduced last year, which drew the distinction between free and slave-labour sugar—if that was not a settlement of the question, he should like to ask if the present scheme was anything like an approximation to it? A more intricate scheme—one which had perplexed the sugar traders, accustomed as they were to all the perplexities of fiscal duties—a more complicated scheme, he would say, had seldom been propounded; and he did not know any one in the trade, whose authority could be relied upon, who did not say that the discriminating duty now attempted to be created would be vain, and could not be carried out with success, and that the *ad valorem* would not tell in favour of the poor consumer. He knew not by what means the clear intellect of the right hon. Baronet had been induced to adopt such a complicated scheme as this; perhaps it might be attributed more to the credulity of the right hon. Gentleman the Chancellor of the Exchequer than to the right hon. Baronet; and it might have sprung from the West India proprietors, seeing that it would operate, if at all, beneficially to themselves. He thought it was vain to draw a distinction between different kinds of sugar; there would be a mixture of clayed with Muscovado, and all kinds of ingenious devices would be resorted to which would surely defeat the object of the right hon. Baronet. The right hon. Gentleman the Chancellor of the Exchequer might recollect the attempt to establish this distinctive mode of duty as to tea; but it was found that different kinds of tea were so intermingled, that it was impossible to maintain the discriminating duties, and they were finally abandoned. He (Mr. Ewart) ventured to predict a similar fate for the proposed discriminating duties on sugar. The true policy of the right hon. Baronet should be to adopt as low a duty as he could, without any distinction as to quality. His hon. Friend the Member for Manchester was influenced by no factious motive: it was for the consumer alone that he advocated this equalisation of the duty, and it was only by a low duty that justice would be done to the consumer. None of the present measures were likely to be successful. The present duties were fraught with injustice—they imposed an enormous amount of taxation—they limited trade—they did not put down slavery or the

Slave Trade—they did not really advance the interests of the West India colonists, neither did they settle the question, but kept it in a state of perpetual agitation, more detrimental to the colonists than any other part of the community. While the question was in its present state of agitation, it was impossible that the Colonies could prosper, and, as he had before said, the discriminating duties, on the authority of the most experienced of the sugar merchants, could not be satisfactory, and he believed that the right hon. Baronet did not think they could be lasting. With these convictions he should second the Motion of his hon. Friend; and he was convinced that, although for a few years the present false system might be carried on, it would at last sink under the weight of public condemnation, so fraught as it was with uncertainty and injustice.

Mr. *James* said, that after the allusions which had been made to him by the hon. Member for Dumfries, it might not be improper for him to rise for the purpose of making a few remarks early in the debate. In the last Session of Parliament he, as one of the West India Proprietors, was amongst those who ventured to make an appeal to the justice and sympathy of the Government on behalf of the distressed West India interest; and it was most gratifying to find that the appeal had not been altogether made in vain. He was anxious to avail himself of this, the first opportunity which had been afforded to him, to offer respectfully his thanks to the right hon. Baronet for the relief which he had felt it to be consistent with his public duty to offer to the West India interest—a relief which he could assure him was much wanted by that body. Whether it would be sufficient to enable them to cultivate their estates with much profit he did not know; but he did hope that, at least, it would be the means of securing them from those extremely heavy losses which they had had to sustain by keeping their estates in cultivation for the last two or three years, in the hope of the arrival of better times. With respect to the question before the House, he certainly gave credit to the hon. Gentleman the Member for Manchester for the best intentions in bringing this subject forward. He believed that the hon. Gentleman's object was to give cheap sugar to the people, and not to court popularity. But he must confess that the hon. Gentleman was not very par-

ticular as to the means by which he could effect his object. He (Mr. *James*) begged to remind him that the resolution of the Government, when it was carried into effect, would give cheap sugar to the people. It would be 11s. 3d. per cwt. cheaper than at present, or between 1d. and 2d. per pound, and that without inflicting injustice on any one. If the Amendment which had been moved were carried into a law, it would inflict a most grievous injustice upon millions of human beings. It would be the means of rendering slavery and the Slave Trade more profitable than ever; and thus would inflict more torture on the African race, and fresh injustice on the colonists. The hon. Gentleman who made the Motion had said that it would be very convenient not to discuss this question of slavery or the Slave Trade at present; but that appeared to him (Mr. *James*) to be the most important part of the whole question. To leave out the question whether they should encourage slavery or not, would be like performing the play of *Hamlet*, and leaving out the character of *Hamlet*. The hon. Gentleman had talked about the great relief which was about to be given to the West Indian planter, which he estimated at 2,300,000*l.*, but he must be permitted to doubt whether that would be the case. He did not know where the hon. Member obtained his figures from, but he should think that amount of relief was much overrated. Both the hon. Mover and Seconder of the Amendment had said that the estates could not be cultivated by agents. He agreed with them that the presence of the proprietor was most desirable, in proof of which, as he had stated last year, his son resided on his West India property. It had been said that sugar cost 6*s.* or 7*s.* per cwt.—now it cost no such thing. He believed that it would be produced for 5*s.* or 6*s.* a cwt.; but even at that cost estates did not produce any profit. The freight was 5*s.* per cwt., and notwithstanding, they wanted to bring the sugar of the West Indies into competition with the sugar of the East Indies, which was frequently brought home as ballast. He did not know whether his hon. Friend the Member for Manchester, who had brought forward that Motion, was a cotton-spinner or a master-manufacturer; but whether or not, he must know that the manufacturers of Manchester paid some thousands of pounds weekly as wages to their work-people. Now what would the hon. Member think if it was

proposed to put those manufacturers, paying that amount of wages, into competition with other manufacturers who paid no wages at all? Now this was precisely what he wanted to do with respect to the unfortunate West India planters. If they agreed to the Motion of the hon. Member, the effect would be to bring back the Slave Trade in a more cruel and more horrible form than ever. That was the proposal; but he was sure there was too much good sense and too strong feelings of justice in that House ever to sanction, he would not say so iniquitous, but at all events, so unjust and unfair a proposition. His hon. Friend had again reminded them of the compensation which they had received. That subject had often been discussed. He wanted to know if the constituents of his hon. Friend had been, by an Act of that House, placed in such a situation as that their mills and machinery would be of no value to them, would they be satisfied to receive half-a-crown in the pound as compensation for a loss of that kind? He would venture to say they would not be satisfied. Now they (the West India) interest had received exactly that kind of compensation. They had, indeed, received some compensation for their slaves, but they had received no compensation whatever for their lands. Now, land could not be tilled without labour. How would the hon. Member's constituents feel if an Act of Parliament had been passed to deprive them of the use of their mills and machinery? It was really difficult to speak with any patience on the subject. If the West India interest had had justice done them, some step should have been taken towards the close of the apprenticeship system to ensure them a supply of labour. The want of labour, or sufficient supply, was the reason why they had been in such a state of difficulty for the last ten years. The hon. Member for Dumfries had said that we used slave-grown coffee, and slave-grown cotton, and why not slave-grown sugar? Sugar required an immense deal of labour for its cultivation, which was not the case either with cotton or coffee. The objections to the admission of slave sugar was not so much because it was produced by slaves, as because it would tend greatly to stimulate the Slave Trade. Much had been said about the price of sugar and the prospects of the West India planter. Now, the cost of producing a hogshead of sugar in Jamaica was about double the price at which it could be pro-

duced either in the Brazils or Cuba; and if the West India planters were to be placed on equal and direct competition with the planters of Brazil and Cuba, the consequences would be, that they would be driven out of the market, the cultivation of their estates must cease, and they would be altogether ruined. If his hon. Friend's Motion was carried into effect, there would be such a demand for slave sugar to supply this country, that all expectations of inducing Foreign States to emancipate their slaves would be hopeless. After all the exertions of this country for the last thirty-five years, under all Governments, Whig and Tory—after expending about 35,000,000*l.* of money in the attempt to put down the detestable and nefarious traffic in human beings—the Amendment of the hon. Member for Manchester, if it were carried, would make that traffic more flourishing, and give it such an impetus that no power on earth could control or put it down. He remembered that formerly Lord Brougham observed in the debate on the case of Missionary Smith, “man can have no property in man.” That maxim was greatly admired at the time; but now a feeling appeared in some quarters to adopt the exactly opposite principle. He could not sit down without alluding to one most respected friend of his who had not changed his opinions on this question: he meant Dr. Lushington, and who still remained as much as ever opposed to every thing which would promote the Slave Trade. The true question, however, was confined within a very narrow limit—it was this, that those who wished to carry out effectually the abolition of slavery and the Slave Trade should support the plan of the right hon. Baronet at the head of the Government, while those who wished to support and keep up a traffic in slaves should vote for the Amendment.

Mr. Ricardo thought that if he wished, like the hon. Member who had just sat down, to speak in favour of one class, he might easily find means to make out a case. The abolition of the export duty on coals was a matter of some importance to his constituents; and the earthenware of foreign countries might be brought into competition with their earthenware, in consequence of the regulations of the right hon. Baronet allowing coal, clay, and iron to be exported free; but his constituents were not so ungenerous as to look to their own interests alone; they were willing to trust to their own resources, considering

that to be the only real element of success ; they were too independent and too honest to look for their prosperity to the subsidies of their fellow-countrymen. But they had a right, he thought, to ask what was the reason why so much was taken off one class of persons to be laid upon them ; they could not understand what supernatural attribute belonged to sugar and its twin sister, corn, that they should be excepted from the same operation that had been practised on almost every article else that passed through the right hon. Baronet's hands. They could not understand what "divinity doth so hedge" these articles that should except them from the fate of other articles of commerce ; they could not understand how the principles which the right hon. Baronet had proceeded upon with respect to other articles could be made consistent with the manner in which he meant to deal with sugar. The right hon. Gentleman, when he talked of the duty on raw cotton in bringing forward his Budget, said—

"I know it will be said that this trade is now in a flourishing condition ; but we must not disregard the formidable competition to which it is exposed ; we must consider how materially this cotton manufacture has contributed to the strength of the country, how materially it aided in enabling us to go through successfully that great conflict in which we were some thirty years ago engaged—what thousands and tens of thousands of persons there are who are indebted to it for their occupation and subsistence. Seeing and considering these things—seeing the amount of duty imposed upon the coarser fabrics—seeing the extent of competition to which they are exposed—seeing the importance of this manufacture to the commercial greatness of this country, we are prepared to advise the abolition of the duty upon cotton wool. The estimated loss to the Revenue by the abolition of the duty on cotton wool, taking as a guide the amount received last year, will not be less than 680,000*l.*"

In that instance there was no compromise as to cotton from the East Indies—no temporizing in order to see if we could obtain reciprocal advantages from the United States—no slave labour or free labour considerations urged—no compromise of any kind made ; but total abolition of the duty was resolved upon. In future times would any one who took up *Hansard*—that record which could not be disputed of proceedings in Parliament—believe that the right hon. Baronet announced to the House of Commons the measure respecting sugar, whilst the words in which he had proposed the total abolition of the cotton

duty were still ringing in the ears of hon. Members. Any person reading that speech would say that no two measures were ever more opposed or distinct from each other than the principles which the right hon. Baronet acted upon in dealing with cotton and sugar, and that while the one was simple, effective, and just, the other was complicated, weak, and unjust, and above all, as he sincerely believed, altogether impracticable. The one measure went upon the principle, that by affording fresh facilities to your imports you will increase your exports ; and the adoption of the other involved the sacrifice of one of the best markets in the world for our manufacturing produce. By the one you take off a duty which interfered with the extension of your manufactures without waiting to see whether any modification of the Tariff of the United States can be got in return ; and by the other you inflict a deep injury on the Brazils, on account of some differences in philanthropic tenets and philanthropic feelings. If any proposition has ever been laid on the Table of the House which warranted the Amendment proposed by his hon. Friend the Member for Manchester, it was the one brought forward by the right hon. Baronet. His hon. Friend had proposed as an amendment,—

"That no arrangement of the Sugar Duties will be satisfactory and permanent, which does not involve an equalization of duty on Foreign and Colonial sugar."

The plan of the right hon. Baronet was unnecessarily complicated. He (Mr. Ricardo) found that there were no less than nineteen different descriptions or rates of duty to be levied on sugar ; according to that plan, he could almost have imagined that the 400 and odd duties that were to be taken off had been transplanted into the paper which detailed the plan, and was in the hands of the hon. Members. The plan was full of distinctions without differences, and differences without distinctions ; of *ad valorem* duties that would be inoperative, together with numberless useless and vexatiously minute details. There was too a needless sacrifice of revenue without any corresponding advantages. He was ignorant of the source from whence the right hon. Baronet had obtained his information, nor did he know what aid the right hon. Baronet had provided for carrying his scheme into execution ; but if any man would tell him in practice where Muscovado ended, and clayed sugar began—if he could mention any test by which

clayed sugar could be distinguished, or by which it could be ascertained if sugar had been clayed at all; then that man was more acquainted with the trade than any of the eminent merchants who had passed their lives in it, with whom he had spoken on the question. If the right hon. Baronet had found such a man in England, for the service of the Custom House, it was matter of congratulation to him, for such a man would be wanted immediately. The right hon. Baronet should take care at once to engage him and secure his services for the Custom House. The Government said their officers had certified that they could distinguish them; but the brokers of most experience in the sugar trade declared that could not be done. He had received several letters from merchants most extensively engaged in the trade, who all described the scheme as extravagant and absurd. He would trouble the House with an extract from one of their communications, the circular of an extensive wholesale broker who said,—

“It is almost ludicrous to find ourselves thus travelling backward in commercial legislation; neither Mr. Vansittart, nor any of his predecessors, ever sought to introduce any measure more annoying or vexatious in its operation than this is likely to be. Every mat or bag of sugar, say upwards of 700,000 to the port of London alone, will require to be specially examined and decided upon by a Custom House officer—who must stand, ‘test in hand,’ to pronounce authoritatively upon a differential duty against the importer to the extent of 17 per cent, on the 14s. per cwt. rate.”

His hon. Friend the Member for Manchester had spoken of the immense sacrifice made by the people of this country as regarded the price of sugar; he thought that his hon. Friend said that the difference between the price of sugar in this country before it passed through the Government turnpike, and the cost of it on the continent, was 13s. the cwt., or 13*l.* a ton. Now he (Mr. Ricardo) made the difference in price even more than this. He found that last year the average price in bond, according to the *Gazette*, was 34s. per cwt., while the average price per cwt. on the Continent was only 20s., thus showing a difference in the amount of sacrifice made by the English consumer of 14s. the cwt., or 14*l.* per ton. The amount of the consumption of sugar in this country is 20,700,000 cwt. Thus the unnecessary expenditure or sacrifice to England, in the purchase of sugar alone—without contributing till that were paid one farthing to the Revenue—was

2,895,000*l.* He had examined the matter as to the effect of the right hon. Baronet's plan; he had taken the right hon. Gentleman's own figures as to the estimate of the consumption of sugar for the next year, and he made out the following result. The right hon. Gentleman said, that we should consume 15,000 tons white clayed foreign at the natural price of the world, subject to the highest duty of 28s. per cwt.; 5,000 tons of brown clayed, or Muscovado, at a duty of 23s. 4*d.*; 70,000 tons white clayed Colonial, at a duty of 16s. 4*d.*; and 164,000 tons of Colonial Muscovado or brown clayed, at a duty of 14s. These different rates of duties being thus chargeable would act as protective duties; thus the

15,000 tons at the 28s. duty would be at its natural price, and there would be no loss.

5,000 tons at the 23s. 4*d.* duty will establish a relative protection to the extent of 4s. 8*d.* per cwt., or £23,333

70,000 tons at the 16s. 4*d.* duty will establish a protection to the extent of 11s. 8*d.* per cwt. on the natural price of the world; and of 7s. on the protected foreign Muscovado; the whole protection will be equal to, at 11s. 8*d.* 816,666

160,000 tons at the 14s. duty will establish a protection to the extent of 14s. per cwt. on the natural price, 2s. 4*d.* per cwt. on the clayed Colonial, and 9s. 3*d.* per cwt. on the foreign Muscovado; the whole protection being at 14s. 2,240,000

£3,079,999

Showing a greater sacrifice to be made by the English consumer, under the proposed plan of the Ministers, than was made under the previous arrangements. Then, as to the Revenue, he thought that there could hardly be a question that if there was an equalised duty on all sugar that the Revenue would be greatly increased, for it could be shown to demonstration that whenever there had been a reduction in the price of sugar, the consumption had increased, not merely in proportion to the reduction, but in a much greater ratio. Thus, if they took Mr. McCulloch's estimate of the allowance in workhouses at 34lbs. per head per annum, which might very fairly be taken as a low average of the power of consumption of the whole population, the population being 28,000,000; the consumption of sugar, in the proportion which he had stated, would be 952,000,000 lbs. Now, taking an equalised duty of 1½*d.* per lb., or 14s. per cwt., the amount which the

right hon. Baronet proposed to levy as the new duty on West India sugar, the revenue or amount of duty would be 5,950,000*l.* Deduct from this, in round numbers, four millions, which the right hon. Baronet estimated as the amount of revenue, there would remain 1,950,000*l.* If to this were added the charge of the extra cost price of sugar, which has been taken at 3,079,000*l.*, it will give as the result 5,029,000*l.* as the amount of loss to the consumers of sugar; and this amount might very easily be transferred to the Revenue of the country, instead of being thrown away, as it was to be by the right hon. Baronet's measure. The consumers would not suffer more by paying this amount to the Public Revenue than by paying it to the West India proprietors, to whom this amount would be paid without any corresponding advantage. This amount was very nearly equal to the receipt of the Income Tax; it equalled in fact the estimate of the sum the right hon. Baronet took as the expected revenue from that tax. He thought, therefore, that it would be more consistent with the right hon. Baronet's character as a financier, and more politic in him as a Minister, if he had come down to that House, and instead of asking them to continue the Income Tax, in order to enable him to reduce the duties upon sugar, he announced his intention of reducing the duties on sugar, to enable him to dispense altogether with the Income Tax. He knew that such a proposition would be met by considerable grumbling from hon. Gentlemen on the other side of the House, and by some angry speeches from hon. Members on both sides of the House; but let the right hon. Baronet depend upon it that public opinion was the true source of power—that it alone would retain him in the situation he now occupied—and that with it he might safely set at nought all the growlings or grumbings that might be raised against those concessions which the necessities of the time demanded. He believed that the right hon. Baronet would willingly make those concessions if he were not afraid of his Parliamentary majority. He saw signs of such a disposition in every commercial arrangement which the right hon. Baronet made, excepting those which related to corn and sugar. He quitted his ordinary path as regarded these, and entered into a compromise with the monopolists of them, unworthy of his great station, and his great financial reputation. He hoped the West Indian proprietors would see the necessity

of yielding in time—that they would begin to find out that the ball was rolling, and that nothing that they could do would suffice to stop it, and that they would at length discover that their better course was to follow the example of the English manufacturers to trust to their own ingenuity and their own resources, and at once give up the absurdity of protection and monopoly. Capital so unnaturally employed, was like a house built upon sand, and all their protection and discriminating duties would not prevent it from falling. His advice to them, then, was, to yield gracefully, in a time of prosperity, that which would be forced from them at a period of adversity.

Sir G. Clerk: After the repeated discussions which have taken place upon this subject, and feeling with the hon. Member for Manchester how very little abstract discussions are suited to the taste of this House, I shall, upon the abstract part of the question, touch lightly indeed. The hon. Members for Manchester and Stoke-upon-Trent, who have addressed the House with so much ability, although they began with observations directed against the maintenance of all protective duties whatsoever, found it more convenient to confine their subsequent observations to the subject matter now before us—as to whether any protection should be granted to the Colonial producers of sugar, than to argue the question upon general grounds. The hon. Gentleman the Member for Stoke-upon-Trent said, if particular interests were to be considered in dealing with the proposed changes, that he might put in a claim on behalf of his constituents. The removal of the duty on coal will affect them little indeed, and he might easily take credit for being generous upon such a point. But I should like to know what sort of a reception the hon. Gentleman would receive from his constituents, if he were to propose to them the removal of the duty on French porcelains and china. [Mr. Ricardo observed that he had told them so a thousand times.] With respect to the removal of the export duty on coals, he suspected the effect would be experienced at distant parts of the country, and not by the constituents of the hon. Gentleman. The removal of the export duty upon coal they may readily agree to, because it cannot affect them much; but their readiness to agree to that proposition does not at all prove that they are prepared to give up all protection. [Mr. Ricardo had approved

of the removal of the protecting export duties on china, stone, and clay.] I will not dwell upon that point. The hon. Gentleman says, that the right hon. Baronet's proposals regarding the Sugar Duties are inconsistent with the removal of the duty upon cotton, wool, and other raw materials, which form the basis of most of our important manufactures. Those questions must be considered each upon its own grounds, and in dealing with the question of sugar, it is our duty to look to the peculiar condition of our colonists in the West Indies, and to see whether it is such as to justify us in continuing protection to them—in continuing protection to a particular article—in the produce of which great masses of people are engaged, and a great amount of capital is invested. I admit that the protective system may be carried too far; that it has already been greatly abused in attempting to bolster up manufactures not suited to the clime or circumstances of the country. But in the complicated state of this country, both as regards her institutions and her finance, with the pressure upon her of a great debt, it becomes a different question whether you will remove all protection from her domestic industry. It by no means follows that protection is to be given to every article to the same extent. There are branches of manufactures in this country for which we possess peculiar advantages, and it would be absurd to say that they could be benefited by any system of protection. That, however, does not apply generally to all; and when you come to consider the peculiar case of the West Indies I must say that I think they have, in their present situation, a strong claim upon this House. Recollect what was the situation of those Colonies until a recent period. Under a system of cultivation which had received the sanction of the Legislature of this country, I mean the system of slave-labour, supplied by the importation of negroes from Africa, our West Indian Colonies were enabled to produce not only a sufficient supply of sugar for this country, but were enabled to export besides large quantities of that article to the continent of Europe. This country, most wisely and justly, about forty years ago, put an end to the traffic of slaves in our Colonies, and ten years ago it determined that slavery should no longer exist in any part of the British dominions. About that time the House came to a resolution to the effect that, however desirable it might be, and however praiseworthy the object, to seek the

immediate abolition of slavery, yet, that the people of this country must be prepared for the results of such a step, and expect that for a certain time the production of sugar would be greatly diminished, and that they would, in consequence, be obliged to pay an enhanced price for it. The House in effect said at that time, you cannot expect both the blessings of liberty to your fellow-subjects in the West Indies, and cheap sugar. Now, let us see what, up to a late period, was the effect of that step? Let me first observe, that in the years 1831-2, the quantity of sugar brought from the East and West Indies greatly exceeded the quantity which was required for the consumption of the country; and that in price it was quite as cheap as it could be had from Brazil or Cuba. If hon. Gentlemen will look to the average price in 1831, they will see that it could not exceed 23s. a cwt. In 1834, the amount imported from the West Indies alone was 3,800,000 cwt., and in 1839, when the Parliament had declared that slavery should no longer exist in our British possessions, the produce of sugar fell off from 3,800,000 cwt. to 2,500,000 cwt. This reduction on account of the change in the condition of the labourer in the West Indies, was followed by two or three most unpropitious seasons, by which the produce was still further greatly diminished, so that in 1841, in which year the amount of produce had reached its minimum, the whole quantity of sugar from the West Indies amounted only to 107,000 tons, instead of 200,000 tons, the amount produced under different circumstances ten years before. In 1843, it rose to 125,000 tons; and we have reason to believe that the quantity sent home from the West Indies in the present year will not be less than 140,000 tons. Now, Sir, after having tried so great an experiment in the years 1838-9, the success of which has exceeded in many respects our most sanguine expectations, that experiment having been unattended with any outbreak or any breach of the peace, notwithstanding the difficulties to be struggled with at the time, is it, I ask, wise for this House now to interfere and say that those who suffered by that experiment shall no longer be entitled to any protection? There does appear to me to be an inconsistency between the arguments used by the hon. Gentleman who addressed the House in support of the Amendment, and the nature of the Amendment itself. If it is true, as the

hon. Member for Manchester has said, that in the course of next year we shall pay a bonus to the West Indian proprietors out of the pockets of the people of 2,300,000*l.*, or as the hon. Member for Stoke-upon-Trent calculated it, of 3,300,000*l.*, if such is their belief, they will be guilty of a great dereliction of duty if they do not take the sense of the House upon the question, which was brought forward in 1842 and 1843, that there shall be an immediate abolition of all distinctive duties between sugar the produce of our Colonies, and sugar the produce of any Foreign State. I know that advocates of free trade have brought forward that question to divide the House on it. But I know also that hon. and right hon. Gentlemen below them, likewise professing free-trade principles, felt that there was something so peculiar in the situation of our West Indian Colonies as to preclude them from going the length of voting for the abolition of such distinctive duties. And I do not think from the appearance of the House to-night [there were about fifty Members present] that the hon. Member for Manchester has any reason to hope for the support of the noble Lord the Member for London, or those Gentlemen who generally act with the noble Lord upon this question. The hon. Member for Manchester has stated that because we give a differential duty of 10*s.* a cwt. it follows that the whole of that duty must be paid out of the pockets of the people of this country; while the hon. Gentleman the Member for Stoke-upon-Trent, if I understand his calculation rightly, maintains that upon the sugar that comes in at 28*s.* duty there will be no loss to the people, but that upon every sugar that comes in at a lower rate of duty there will be a loss proportionate with the amount of duty, and which in the aggregate he calculated at 1,000,000*l.* He said that if the sugar to be consumed in this country was admitted at a duty of 28*s.*, it would make no matter to the consumer whether it came in at that duty, or whether he paid the amount in some other shape to the West Indian proprietor. Now I think the hon. Gentleman would find it difficult to convince his constituents that the immediate removal of a duty of 20*s.*, or 15*s.* upon the manufactures of earthenware would be of no consequence to them. And yet he undertakes to tell his constituents that they can purchase the article of sugar just as cheaply if the Chancellor of the Exchequer puts on it a duty of 28*s.*,

as if he only puts on a duty of 10*s.* The hon. Member for Manchester entered into a statement of the expense of cultivating sugar in former times, and quoted the result of some prizes given for the cultivation of sugar upon a late occasion, showing that the expense of cultivating it in the West Indies was not so great as was alleged. But the hon. Member forgot to inform the House that the account he quoted embraced only the expense of labour in the field. He must be perfectly aware, or if he is not I must say that his information is most erroneous, that that amount has nothing to do with the general expense of management; that in fact it contained no charge for the premises, for the capital expended, for work at the mill, or taxes, being confined to the expenses connected with the land. The hon. Member seems to think too that the West Indian planters are encumbered with surplus labour, that they give low wages, and hold out no inducement to the emancipated negroes to work, and opposed themselves in every instance to the introduction of an improved mode of culture and machinery. Now, although my information is not very extensive, it is so completely the reverse of that which the hon. Gentleman has placed before the House, that I am really at a loss to understand from which quarter he derived his information. It is certainly not what he may have gathered from the discussions which have taken place upon the subject in this House, because the noble Lord the Member for London has in some of those discussions referred to the extreme comfort in which the negro of the West Indies was now placed, on account of the high wages he received. I understand that he now receives 2*s.* a day, instead of 6*s.* or 7*s.* a week under the old system. I moreover believe that the complaint has rather been on the part of the planters, and to this effect—that owing to the great difficulty of obtaining labourers they were obliged to pay too high a rate of wages. I think, too, that it was rather unfair that the system of apprenticeship should have been prematurely put an end to before measures were taken to supply the planters with a sufficient amount of labour. I do trust, however, that even in that respect an improvement is taking place, and will continue to take place, in the West Indies. But certainly if there be any West Indian Gentlemen in this House, any Gentleman who may have the misfortune to have large

estates in Jamaica, or other West Indian islands, I think they must have been surprised to hear the hon. Member for Manchester state that the estates ought to be in a more flourishing condition now than in the time of slave labour. So far from that, I believe, that the present is the only year from which they will have derived 1s. of benefit from those estates, which formerly yielded them very large profits. I know that the Members for Manchester and Stoke-upon-Trent are of opinion, that it is in vain for the West Indian body to look for any improvement; that they may as well despair; that they are going from worse to worse; and that the best thing they can do is at once to give up protection and abandon the cultivation of sugar altogether. I would ask whether they would, under similar circumstances, give the same advice to the coal proprietors? I would ask them even what do they suppose would be the price of sugar if their policy was adopted. I would ask them whether they expect that, under existing circumstances, sugar would come into this country at 19s. or 20s.—whether, after having destroyed our own Colonies, and thereby given a most extraordinary stimulus to those countries where slave labour continues, and slavery still exists, they suppose we would have sugar much cheaper than at present? If they do I think they would be sadly mistaken. On the contrary, I believe that by continuing a moderate protection to the West Indian planters, who are producing an increased and increasing quantity, you will secure to the consumer a low price, while you will avoid inflicting any injury on existing interests, and avoid giving a stimulus to the continuance of slavery. It has been said that the West Indies have always been a drag upon this country; that for their monopoly we are paying 2,000,000*l.* or 3,000,000*l.* a year out of the pockets of the labourers and artisans of this country unnecessarily; and that it would be infinitely better for this country, as the hon. and learned Member for Bath says, that the whole of these islands should be blotted out of the map of the world. I believe that the hon. and learned Member is singular in that opinion, for I believe that the West Indies are very valuable to this country. If we look at the Returns laid before the House, we see that of the large amount of 56,000,000*l.* or 58,000,000*l.* of exports which go to our East Indian, our West Indian, and our North American Colonies, about one-fifth of the whole goes

to the West Indies. That is a trade which is not liable to those alternations which any misunderstanding with other countries may create. It is one also carried on by the shipping of this country; and we must recollect that it is the possession of that Colonial Empire which alone can secure to us a commercial marine of a magnitude sufficient to enable us to maintain our maritime pre-eminence. No nation without the Colonies which this country possesses will ever be able to rival us in our commercial marine. But you may depend upon it if you by your legislation make the West Indies, as has been expressed, “a drag upon the country,” instead of being a benefit, you will wish that they were blotted out of the map of the world. You may depend on it that the injury that would be done to this country would not alone consist in our loss of trade to the amount of about 3,000,000*l.*, but it would materially affect our shipping interests, and a blow would be struck at the maritime power of this country which it would never recover. The hon. Member for Manchester stated, that our imports have fallen off from the West Indies, while our exports have not decreased. It is perfectly clear, that if, as an immediate consequence of your legislation, the produce of these islands fell from 200,000 tons of sugar to 100,000 tons, that sufficiently accounts for your imports falling off, whilst those in the West Indies could not import many articles into the West Indies which were to be paid for by their own products; and it is only remarkable that the export of the manufactures of this country to the British West Indies has not fallen off in a great proportion. But I do trust, as the West Indies improve in their condition, and are better supplied with labour, or as the emancipated negroes apply themselves more diligently to the cultivation of the estates, that we shall see a very great improvement in those islands, and consequently, have an improved export trade there. The same reason has operated against the introduction of machinery to some extent. The hon. Member for Cumberland will be surprised to hear that no attempt has been made to introduce machinery into the West Indies—that steam engines have never been heard of there. I rather think that thirty years ago, on passing through a large establishment at the other side of Westminster-bridge, I saw it full of steam-engines for the West Indies. But the want of capital has diminished the exertions that were

formerly made in this respect. The hon. Member for Dumfries spoke of the state of lethargy which arises from the enjoyment of a monopoly and the want of competition; but many of the West Indian proprietors have, out of their other capital, been sending out every improvement in machinery in the forlorn hope that some of these improvements would lead to profit. I wish the hon. Gentleman, who appears to be so well acquainted with Mr. Porter's book, would look at the patents and improvements in machinery for sugar-making in the West Indies. I think there are very good reasons why persons who are most anxious to devote any spare capital they may possess to the improvement of their estates, should not have that great overflow of capital which seems to oppress Liverpool and Manchester, to lay out in railway speculations. A railway had been laid down between Port Royal and Spanish Town. If the capitalists of Jamaica had been investing capital in that railroad for a return, the argument of the hon. Member for Manchester would have been supported; as it was, the fact was against him. The hon. Member said to the West India proprietors—"You are absentees, and don't know what is going on." I should think it is just as likely that the hon. Member for Cumberland will take care that his West Indian estate is properly managed, as that the railway directors living in Liverpool and Manchester will take care that the railway there is properly managed. With regard to other topics mentioned by the hon. Members for Dumfries and Stoke-upon-Trent, I think it would be extremely unfair to attempt to discuss detached portions of the plan of the Chancellor of the Exchequer until he has the opportunity of stating the whole plan before the House. It would also be anticipating a great part of the discussion to take place on Wednesday night, and would be unfair to the noble Lord the Member for the City of London, who I am sorry is not in his place. [Mr. *Hanes*: Ministers are absent too.] The hon. Member for Lambeth will agree with me, that in the absence of the noble Lord the Member for the City of London, it would be improper to anticipate any part of the discussion on any of those important points, regarding which the noble Lord placed a Notice on the Books for Wednesday. Under these circumstances, I feel that I have no right to offer any answer to those parts of the speech of the hon. Member for Stoke-upon-Trent which can only

be properly discussed when we debate the noble Lord's Motion. I have no wish to trespass longer on the House; I have endeavoured to show that it has ever been the policy of this country, and one on which I trust it will continue to act, to give a fair protection to the domestic industry of this country. The hon. Gentleman opposite, the Member for Manchester, may select some extreme case to show where protection has not been beneficial, but we must look to each question by itself. I may refer to what has been the policy of the right hon. Baronet; for, though he has maintained the principle of protection, he has carefully looked at every article, to be enabled to afford a relaxation of duty to the consumer without doing injury to the producer; because I am convinced that much injury would be done by carrying out any exploded system of monopoly in the hope of bolstering up any trade for which the altered circumstances of the country are not adapted. Looking at the whole plan which the Chancellor of the Exchequer will submit on Wednesday evening, and the effect which it will produce to the consumer—seeing that the people of this country will have sugar at a much cheaper price than they have had it for the last thirty years, and that this will be effected without the slightest injustice to the producers of sugar either in the East or in the West Indies, and believing that a greater consequent consumption will give a fresh stimulus to the industry and energy of the West India proprietors—I think we may look to the West Indies coming back to their ancient prosperity—to the condition in which they were ten or twelve years ago, when they supplied the whole amount of sugar required by our population, and had some 5,000 cwt. to spare for exportation. Looking forward to this result of the measures of Her Majesty's Government, I am utterly at a loss to know what practical result is desired if the House should agree to the Resolution of the hon. Member. I do not understand what hon. Members picture to themselves by submitting that Resolution to the House. An attempt has always been made to raise ancient prejudices against persons holding West India property, on account of the system of slavery which prevailed. I do think that it is rather unfair to the West India proprietors, who have submitted without complaint to changes in their property, and have been exposed to suffering and losses to an extent of which many

Gentlemen opposite cannot be aware—it is very unfair whenever this question is brought forward that they should be held up to the obloquy of the country. Under these circumstances, I do trust that the House will not support the Motion of the hon. Member for Manchester.

Mr. *Villiers* said, it was rather remarkable that the right hon. Baronet who had just sat down should have proposed to his hon. Friend the Member for Stoke-upon-Trent to satisfy himself and the House as to the soundness of his opinion on the question then before them, by visiting his constituents and asking them whether they agreed to the doctrine of free trade or not. If it was meant to decide whether the doctrine of free trade or that of impeding commerce was the wisest by such a test, he thought the right hon. Baronet might already enlighten them a good deal on the point after the recent visit he had made to his constituents: he could tell them how far he considered the constituencies of this country appeared disposed to support those views of obstructing trade which the right hon. Baronet advocated. He perceived that the right hon. Baronet recognised his allusion to his late reception by his constituency. The weather was still in about the same state as when the right hon. Baronet had experienced the feelings of his constituents towards him; and if his hon. Friend (Mr. Ricardo) went down as he (Sir G. Clerk) had invited him to do, he scarcely thought he would meet with similar proofs of the opinion of his constituents, in consequence of his avowal of the doctrine of free trade. On the other hand, he thought that the right hon. Baronet had not much improved his chances of a more favourable reception from his constituents by the opinions which he had just expressed, and the speech which had just been delivered by him. With every respect for the right hon. Baronet personally, he did not think that he had much raised himself by that speech. He did not mean to say that the right hon. Baronet's address was not a fair average speech for a functionary of a Government; but it seemed to him to be that sort of a speech which might have been drawn at any time from a pigeon-hole of the Board of Trade, where it might have lain untouched for the last twenty years, and brought out to be used in the absence of an answer or an argument suited to the question. It was really a tissue of common-place of vague generality, of that sort of evasion of the question

by declamation which they knew was in use in that House, when time was to be occupied and no answer to be given. For as far as any answer to the specific question which his hon. Friend had brought before the House was concerned, he did think that there never was an occasion when a Gentleman of mature years, and holding so responsible a position as that filled by the right hon. Baronet, did occupy so much of the time of the House without applying himself to the matter really before them. The right hon. Baronet had throughout contented himself with alluding to things which had never been referred to by his hon. Friend, while he altogether avoided any answer to the questions which had been put to him—questions which must be satisfied and answered before that discussion could cease in that House. The right hon. Gentleman said he objected to these sort of abstract questions, and he said he would sift what was practicable from that which was abstract. He said he would tell the House what the claims of the West India planters were for those enormous sacrifices which the people of England were called upon to make in their favour. He (Mr. Villiers) had some recollection, and his hon. Friend had shown that he had also some recollection of former circumstances connected with those interests, which if he mistook not, opened a pretty wide field for their gratitude to this country; and he had anticipated that the right hon. Baronet would actually inform the House what fresh or peculiar claims the West India proprietors had still upon this country—upon what such claims were rested, and how the debt, if really due, arose, which was said yet to be owing to them. He had expected to hear some reason assigned for the sacrifice which the country was called upon to make in their favour—that the right hon. Baronet would condescend to tell them what it was they were paying for; for, as the hon. Member for Manchester said, the people of this country, when they are called upon to pay, they like to see the bill, to know what it is they pay for. Now, he would ask any Gentleman present, who heard the speech of the right hon. Baronet—and he had been treated with great attention throughout—whether the right hon. Baronet had left on his mind any shadow of an idea of what the claims of these Gentlemen were, or whether they had any claim whatever to the 2,300,000*l.* a year, which it was proposed to vote to them. He put it to the House whether they could

remember—and he called upon them to tax their memories to the utmost—whether they could at all comprehend, from anything that had fallen from the right hon. Baronet, why this enormous sacrifice should be made, or what claim the West India proprietors had upon the country to entitle them to draw so large an amount from their pockets. The right hon. Baronet said he could not understand what his (Mr. Villiers') friends proposed to themselves by moving such an Amendment as that before the House. He could tell the right hon. Baronet in reply, that they proposed to bind that House to a principle which, if adopted, would be the means of doing justice to the country, which justice was withheld; and they farther proposed by this Amendment to learn, if possible, why this justice was withheld. The right hon. Baronet said that it should not now be rendered; that protection had always been a scheme of policy in this country; that the Colonies had always been protected; and that protection to the West Indies had always been maintained by the Government. Why, that was the language that was then being constantly addressed by the friends of Government to the First Minister. They said, "You want to destroy the scheme of policy adopted and acted upon by this country for ages: you are disturbing it every day;" and the fact was, that the right hon. Baronet at the head of the Government never spoke on these subjects without expressing some sentiment utterly at variance with the policy which these Gentlemen said had been so long adopted, and in truth preparing them for its entire abolition. What the right hon. Baronet (Sir R. Peel) held out to them last year in regard to the West India interests, he was departing from this year. He was now disturbing the protection which he had established not twelve months before; in fact he was constantly changing the terms and the grounds of this protection; and yet the right hon. Baronet (Sir G. Clerk) turned round on them, and thought it was an answer to all that had fallen from his hon. Friend, to say that it was a part of a grand scheme—that the Government intended to continue and perpetuate the protection which had so long been maintained by the country. Now, he asked the right hon. Gentleman whether he thought that would be accepted by the country as any answer to the Motion of his hon. Friend? Would it not be almost better for him and his Government to have

said nothing at all; to have allowed it to be thought that they meant well, but that they had not power to do what was right; or that they did not like to commit themselves to a principle of justice, or to have declared that they would have perhaps carried out the principle, but that they did not like to commit themselves. What was the good, he wished to ask, of bringing forward worn-out doctrines which they had exploded themselves; which were utterly opposed both to the wants of the country and the policy which they were themselves pursuing? He hoped the right hon. Gentleman would excuse him for saying that his doing so was casting ridicule upon the commercial measures the Government contemplated proposing this Session. The right hon. Gentleman said something in the course of his speech about his wish that the hon. Members for Cumberland and Weymouth were present, because they knew something of the matter before the House. He must say he thought that wish was quite natural on the part of the right hon. Gentleman; the inference was certainly that the right hon. Gentleman had not precisely the requisite information himself, but still, under those circumstances, it was natural to turn to those who might possibly aid him in his difficulty. They had property in the West Indies, and they might possibly know what reason there was for enhancing its value by an Act of that House, at the expense of the community. The right hon. Gentleman evidently knew of none himself, and he believed that it was in that sense that the new Sugar Bill was framed; that it was in utter ignorance of the real state of those Colonies which it purported to protect. This was one of the things of which the hon. Member for Manchester complained. He believed the fact to be, that the plan of the Government was not adapted to the interest even of those whom it was meant to protect. He should like to have some statistical information with respect to the West India islands before they finally legislated on the matter. He should like to know whether these Colonies and dependencies were all exactly in the same state or not, and how the mystical sum of 10s. 6d. had been discovered exactly to suit all cases and all the countries to which it was to be applied, and thus render justice to all parties. 300,000*l.* was to be taken out of the pockets of the people of England, and, as the case stands at present, without any information being given as to the reason of this great sacrifice. There was

nothing yet said or proved to show them, that if the Colonies were suffering, that this would be the cure for their case. But he would ask the House to look at the condition of this country at the time they were called upon to submit to this enormous tax. The Government had imposed a tax that pressed with great injustice upon the precarious incomes of the industrious and productive classes; and why could they not remove it? Because they were unable to spare that amount of revenue. Now, he wanted every individual in the country to look at the question in that light. They were about to lose an amount equal to 2,300,000*l.* of the income of the country. This, not lost, might be applied to the further reduction of taxation. Here was an unequal and an impolitic tax levied upon incomes arising out of trades and professions—that tax, so described, could be dispensed with. What prevents it? Nothing but an enormous protective duty on sugar to be presented to the West India planters—not only causing the consumer to pay more for sugar, but by the same means preventing the Revenue deriving the benefit of a duty levied on a larger amount. He would wish to know whether that view of the case was disputed. Not one word that had fallen from the right hon. Baronet could let him know whether it was or not. Here was a positive waste of more than two millions, which might be applied in commuting other taxes. This country wanted to have the duty on tea reduced, so as to lower the price of that necessary article to the people, who were anxious to have it cheap, while it would greatly facilitate exchange with the distant and important market recently opened to us. The country was also anxious to have other taxes reduced. The right hon. Baronet had told them if he had more surplus revenue he would apply it as he had done the remainder. But why had he not a greater surplus to devote to the reduction of taxation? Because the amount which should be expended in relieving trade and the consumers generally, was swallowed up in meeting a claim unaccounted for and undefended on the part of the West India proprietors. [Mr. Bernal: And the East India interests also.] His hon. Friend the Member for Weymouth had reminded him that the protection was extended to the East India interests as well as to those of the West Indies. That was one of the things that he (Mr. Villiers) and his friends complained of. The only grounds

upon which this protection was ever pretended to be defended, did not apply at all to the East Indies. The Government said that the sugar producers in the West Indies had not labour cheap, and on this account the protection must be continued; but then, how does this apply to the East Indies? What was the rate of wages there? He believed it did not exceed 2*d.* a day at the utmost. Now, under such circumstances, what possible reason could they have for protecting the East India interests? They had there no vested rights—they had no old interests to be maintained—on the contrary, the Government was creating an interest there in protection which would at some future time be pleaded for its continuance. They were tempting capital to be invested there with the view to the protection that would as readily be invested without it. There was not an excuse for the favour which the duty promised to them, being under no disadvantage not experienced by other countries, and having labour actually cheaper than in any other country; and yet these were the parties who were to be protected at the expense and loss of the English people. Under these circumstances he thought his hon. Friend the Member for Cumberland had been wise and somewhat ingenious in his mode of argument. He found that he could not reply to the case of his hon. Friend who had brought forward the Motion, and he therefore changed the issue as quickly as he could. The hon. Member for Cumberland had started the whole question of slavery, which his hon. Friend's Motion did not necessarily raise. His hon. Friend asked why they should put on a protecting duty of 10*s.* 6*d.* to favour particular proprietors, and which they did against the sugar of Java and Manilla, which was raised by free labour. No answer had been given to that question. Where was the applicability of the slavery argument in those countries, or in those named in the Bill providing for the higher duty to be imposed upon them? His hon. Friend the Member for Cumberland told them to think of the horrors of slavery. He said, that was what concerned him, and not any mere selfish anxiety about his own estate, and he begged them to consider that the question was one simply of humanity. He would wish to know from his hon. Friend what aid would be given to the cause of slavery by allowing the sugars of Java, or China, or Manilla, to come in at the same rate of duty with that of Bengal or Barbadoes.

He would wish to know on what principle his hon. Friend could justify, upon his own view of the case, the voting for these distinctive duties between countries in which free labour existed. If they had any confidence in these distinctive duties between slave-grown sugar and free-grown sugar as a means of abolishing slavery, let them give equal encouragement to countries in which slavery did not exist. They said they were anxious to give an example to the world that free labour was better than slave labour—that the former was more economical, and that by encouraging it they wished to lead to the entire abolition of slavery. He said, that the experiment had already been made in the markets of Europe, and that the sugars produced by free labour could compete with those by slave labour; and that every day the sugars of Cuba and Java were selling together in the same market at the same price. With what excuse, then—with what pretence of sincerity, could they put forward as their motive for imposing that distinctive duty, the ground of discouraging slavery, when they put on the additional duty on free-labour sugar? It was quite clear that slavery had nothing whatever to do with the policy of these protecting duties. It would, he would maintain, be far more honourable on the part of the Government to avow their real motives at once. He believed the right hon. Baronet (Sir G. Clerk) had admitted that the protection was continued for the purpose of favouring the West India planters, though he had altogether abstained from telling them the grounds on which that favour was granted. The right hon. Gentleman appeared to have some confused notion about a great Colonial empire, and he said something about the dominion of this country being best supported by a continuation of these protecting duties; but here again he never showed us how that would be the case. The right hon. Gentleman distinctly stated that the West India planters were suffering from the abolition of slavery. He would contend that there was no pretext for that statement. Whether enjoying protection, or during the period of slavery, the cry which the planters invariably raised was that they were suffering, and required more favour and more protection from the mother country. That was the argument which they eternally used during the agitation for the abolition of slavery, when Cropper, and Macaulay, and Stephens, and others,

were exerting themselves to effect that most philanthropic object; and who invariably and equally denounced monopoly and slavery as alike the bane of those possessions. The right hon. Baronet should have been more careful on another ground how he used this argument. He would take leave to remind him that there was a Member of the Cabinet at the present moment who said, twelve years since, that the real cause of distress in the West India Colonies had been the existence of slavery; and yet here was the Vice-President of the Board of Trade, belonging to the same Government, declaring at the present day that the West India proprietors were distressed, and required protection, because slavery had been abolished—and arguing as if no protection would be needed if slavery was re-established. This was one way that monopolists had of deluding the country—they impute to their opponents rash objects, and represent them as careless of existing rights, of not duly considering the consequences of what they recommend. In this case it is sought to show that the monopolists have been called upon to make some great sacrifice; and that they on this side were utterly heedless of the advantages which had been surrendered, and of the time required for the transition from a happy, prosperous, and contented state, to one of comparative deterioration. Now, it is important for the country to see and to understand that this is a wholly false and fallacious view of the case: That these planters have for the last fifty years and upwards, with the Slave Trade, or without it, with slaves or without them, been equally complaining of their condition, and equally clamorous for more favour from this country. Many years since, a Committee of the House of Assembly, in Jamaica, appointed for the purpose of inquiring into the cause of their great and overwhelming distress, reported that there had been, in the course of a limited period, 177 estates sold for debt, and fifty-five thrown up; while, at the end of that period, ninety-two estates remained in the hands of creditors. He quoted from the work of an author who wrote in the interest of the proprietors, Bryan Edwards, the historian of the West Indies, and he gave the result of the inquiries of that Committee which he had just stated to the House. [A Member: What is the date?] 1792. Now the right hon. Baronet who had just spoken, had not given them any such gloomy details as resulting from the abo-

lishing of slavery. He was sure the hon. Member for Cumberland would have mentioned it, if Jamaica had been in that state at present. He was sure the hon. Member for Weymouth was not going to say that things were quite so bad at present. [Mr. Bernal: I am not going to say anything.] His hon. Friend, he thought, was quite right on this occasion; he deemed it more prudent to say nothing. He sees, I am sure, that the case is no longer defensible. He knows that he was stating the case correctly, when he said, that these complaints of the planters had been uttered under all circumstances. In the Report of the Select Committee of the House of Commons appointed in 1832, it is remarked that it appears from the Committee of 1807.

"That during the late war, and while still supplied with slaves from Africa, the planters complained of inadequate returns, and of unequal competition in foreign markets. These results were then ascribed to the circumstances of the war, which have long ceased, and were necessarily independent of the causes now alleged. Your Committee are well aware that this similarity of complaint, and discrepancy of assigned reasons, must occasion some distrust of the accuracy of those which are now put forward."

Again, in 1824, an inquiry into their condition took place, and a further inquiry in 1833, all tending to the same results. In that year it was, he believed, that they got the Earl of Ripon's view of the matter. He would read an extract from his despatch, which was prior to the abolition of slavery:—

"The existence of severe commercial distress (he says) amongst all classes of society connected with the West Indies, is unhappily but too evident. Yet what is the just inference from this admitted fact? Not that the body should yield to despair, but that we should deliberately retrace the steps of that policy which has led to so disastrous an issue. Without denying the concurrence of many causes, it is obvious that the great and permanent source of that distress which almost every page of the history of the West Indies records, is to be found in the institution of slavery. It is vain to hope for long-continued prosperity in any country in which the people are not dependent on their own voluntary labour for support, in which labour is not prompted by legitimate motives, and does not earn its natural reward. I cannot but regard the system itself as the perennial spring of those distresses of which, not at present merely, but during the whole of

the last fifty years, the complaints have been so frequent and so just."

There was the language of the Earl of Ripon, a Member of the present Government, who was Colonial Minister at the time, and as such had opportunities of knowing the condition of the West Indies. He hoped the right hon. Baronet would consult that noble Lord before Wednesday; ask him if he is of the same mind still, or whether he agrees with him (Sir G. Clerk) that slavery was a great advantage to the planters, and its abolition is the cause of their distress; and state the result to the House on that day for which he appeared so anxious to reserve himself. The extracts from this despatch tallied exactly with all the authentic reports of the past state of their Colonies—exactly with all the authentic reports which were received from these Colonies at present. The right hon. Baronet at the head of the Government had stated in that House that the experiment of the abolition of slavery had answered in a more striking manner than any other experiment ever made. The slaves seemed fit for freedom—were disposed to work for proper wages, and with adequate motives were good workmen. In Barbadoes, at this present moment, the emancipated negroes were working for reasonable wages; were all of them doing well, and the island was prosperous. What the West India proprietors needed was not protection by Act of Parliament to promise them high prices, but that greater care should be taken of their estates; that their estates should be better managed; and that an end should be put—by increased and personal attention—to the gross fraud, waste and robbery, which must then take place, when the agent and the principal were 4,000 miles apart. For a long series of years had these islands, under a system of protection and of slavery, been suffering, dwindling, withering; this next year they were likely to be more prosperous than they had been for the last twelve years. And why? because there has been of late an apprehension that this system of protection cannot last, and something like care, skill, and energy, has been shown in the management of properties—and this is what the proprietors should aim at, instead of continuing this baneful system of protection, which inflicts a serious injury upon this country, and ultimately upon their own property, and let them see to the improvement of their own estates, or let those have them who will super-

intend them. Let them adopt the example of the hon. Member for Cumberland, who had lately sent out one of his own family to manage his estates in Jamaica; and who could, doubtless, fully confirm his (Mr. Villiers') statement, that in Jamaica, as well as in other West India islands, the absent planters were subjected to every species of loss, by ignorant, or indolent, or dishonest agents. He had authority for stating, that agents had sent over to their employers the most appalling accounts of the state of affairs, with the intimation that unless they are prepared to transmit large sums of money to be expended—in a manner tantamount, it is broadly suggested, to throwing it into the sea—the estate had better be abandoned. The owner, utterly horrified, gives directions to sell the estate for what it will fetch, and it is accordingly sold for next to nothing; and, in some cases, the agent himself, or some friend, has been the purchaser; or, if proper attention had been given to the property, it need not have been sold. There is so much ignorance—so much dishonesty—in the statements that are made, that it is impossible to credit anything one hears on the subject of these West Indian estates. A gentleman who had recently returned from examining his own property there, told me that the safest rule was not to believe one word that was stated on the part of absent proprietors. He said his family had been connected with certain estates for upwards of 100 years; and that, in consequence of the desperate representations made of the state of things, he had gone out himself to see what was to be done. He said he could hardly believe his eyes when he got there; when he saw the waste, the ignorance, the backwardness of everything connected with the management of the property. Nothing could be more barbarous than all that he saw; and he satisfied himself very soon that the distress was not necessary—that the properties might be rendered profitable—and that all the desponding statements sent to this country were gross exaggerations; and he gave me one proof of his sincerity, that instead of abandoning his estates, as he expected to do, he added to them by making fresh purchases of some that were for sale. This was the brother of a gentleman having a great commercial establishment in London, and standing in the highest repute in the city. It is clear, then, from this statement, and all that one had heard besides, that the real remedy for the distresses of

these islands is better management—more skill—adopting improvements—and by personal residence, or by superintendence on which they could rely, preventing fraud. If labour is necessarily dear in some of the islands, this would tend to cheapen the cost of production, and render estates profitable that are perhaps worthless at present. Let the House then vote for the Amendment of his hon. Friend. This would notify to the proprietors that they must still further depend upon their own resources than they are doing at present; and as the expectation of this has already done more for their properties than anything that has been before attempted, so will the thing itself, when it really occurs, restore them, or rather place them in a more healthy state than they have been before. It is clear that neither slavery nor protection are needful for their prosperity. Every prediction respecting emancipation has been falsified by experience; and as the day for abolishing protection approaches, those dependencies are in a more healthy state than they have been for many years before. To support his hon. Friend's Motion was to promise a great boon to the community at home. It afforded, therefore, an excellent opportunity to those Gentlemen in that House who were ever expressing their solicitude for the sufferings of particular classes in the country; whose names were prominent in the lists of public charities; who received extraordinary credit for their sympathy with the poor—to prove their sincerity in voting for a measure that might greatly reduce the price of an article of almost necessary consumption; and which certainly, the subjects of their solicitude all desired to consume. And not only by benefit conferred in this way, but as a way of extending the business of the country, extending the demand for unemployed labour. Next week a large portion of the aristocracy was going to dance for the good of the distressed needlewomen. Let the House and the country, meantime, bear in mind, what these poor creatures—in common with the rest of the community—paid every week for sugar beyond what they ought to pay, for the benefit of the West India sugar growers; every week did the metropolis pay 4,000*l.*; every week did the rest of the country pay 50,000*l.* more than they need do, being the sum paid for sugar beyond the sum which ought to be paid, and beyond the sum which would be paid for sugar, were his hon. Friend's Motion carried. This calcula-

tion was no mere vague speculation. It was a calculation carefully made, and published in a weekly newspaper, and which no one had ventured to controvert. He would ask the country, then, to decide whether they were not justified in bringing this matter before Parliament. By the means proposed in the hon. Gentleman's Motion, the right hon. Baronet opposite might be enabled to reduce a great part of his Income Tax, diminish considerably the duties on the lower-priced teas, and give increased employment to a large class of the community, nay, indirectly to the whole community. He trusted then the House would, on this occasion, shake off the conventional indifference with which it was too much in the habit of receiving practical Motions of this kind if they did not emanate from the head of one of the party. Let them consider the impolicy of always presenting these Colonies as an obstacle to the enjoyment, by a great mass of the people, of some articles of general desire; and for the support of which they are to be heavily taxed. It was only the other night that they heard that it was the number and wants of our Colonies that made the maintenance of so large an Army requisite. On this account our regiments were placed for long periods in places where their sufferings were so great, where the mortality was so fearful, that in this House the Secretary at War had refused to make a Return, shewing the amount of death and disease among the troops, lest the detail should produce too great a disgust and shock to the public mind. This, then, was surely price enough to pay for these dependencies (whose value as such he was not going then to question), without causing the people further to waste annually a large sum in what they paid for their products; and to forego great relief, which, but for this tax, might be extended to them at home. He implored the House to consider these things before they determined to persist in a course which limited trade and mulcted the people to so large an amount, and for the benefit of a class whose claims on this country they had yet to learn.

Mr. *P. W. Miles* said, he could hardly expect, after the assertions which the hon. Member for Wolverhampton had just made, that any one would believe what he, a West Indian proprietor, might state. But he believed it was an admitted fact that these Colonies had for a long time past been suffering under severe distress, that capital

was employed without profit, and also that the proprietors were in many cases brought to the very verge of ruin. But he trusted that, now that the right hon. Baronet had given evidence of his disposition to afford relief to the West Indian interests, not only by this measure which he had brought forward, but also by his measure for the admission of labourers last year, he trusted that some remuneration would at last be obtained for the amount of capital employed; that was all they asked and all they could expect to have. He had listened with the greatest attention to the speech of the hon. Member for Manchester, who appeared to think that great fortunes were now to be made out of the West Indian estates. He could assure him that that was not the case; and if the hon. Member doubted his assertion, he had a good mind to offer him to take one or two of them out of his hands. The hon. Member looked upon the reduction of duty which was about to be made, merely as a benefit to the proprietors, without any corresponding reduction in price to the consumers. That was easily said; he doubted whether it could be as easily proved. The West Indian proprietors would not object to it if it were. It had also been stated that the proposed duty in favour of Muscovado sugar was a direct premium upon the slovenly manufacture of the article, and a direct boon to the West over the East Indian cultivators. He thought anybody who knew anything of the matter, would know that this was not the case; for it would be more for the advantage of the West Indian proprietors to send over sugar at the higher rate of duty than at the lower. Not only would they thus save the loss of weight upon the voyage home, but they would be able also to extract more sugar from the bulk produced; whilst the East Indians might also, if they chose, send home their sugar at the same low rate. But notwithstanding the proposed reduction of duty, it would require the utmost economy and the best management on the part of the proprietors to establish for themselves any degree of profit. He knew that in former times recklessness of the most extraordinary character prevailed. He admitted that; but then hon. Gentlemen ought to know that the pressure of necessity had long since put an end to it; and if they looked to the accounts from these islands, they would see that the estates were managed now on a greatly reduced scale. He regretted the right hon. Baronet at the head of Her Majesty's Government had stated that he did not intend these

duties to last longer than July, 1846. He thought if the right hon. Baronet would reconsider the question, he would see the necessity of continuing them for a longer period, not only on account of the present circumstances of the West India Colonies, but because this continued change of duties prevented the confidence of persons in trade from being established. If they continued thus to make annual changes, it would prevent capital from being employed, or machinery from being sent out. The hon. Member for Manchester said that there was no machinery used on these islands. He had been there, and he could state that there were few estates on which machinery was not employed. Such a large increase in the amount of supply of sugar as the right hon. Baronet anticipated would require an increase in the imports, not only from the East Indies, from Java, or from the Mauritius, but also from the West Indian Colonies; while the uncertainty as to the permanency in the amount of duties would paralyse trade, and prevent the poorer estates from being brought into cultivation. With reference to the question more immediately before them—tho equalisation of the duty on Foreign and Colonial sugars—he could not agree to it. The hon. Member for Wolverhampton had said, that the question of slavery did not enter into this subject; but he (Mr. Miles) did not know how he could have read the Motion of the hon. Member for Manchester, which was to this effect:—"That no arrangement of the Sugar Duties will be satisfactory and permanent, which does not involve an equalisation of duty on Foreign and Colonial sugar." It seemed to him, that if the Motion meant anything, it meant that they were to admit slave at the same rate of duty as Colonial sugar. So long as this country thought it necessary to continue its efforts for the suppression of the Slave Trade; so long as it was necessary to go to the expense of maintaining a large force on the coast of Africa for the suppression of that trade, so long would it be unjust and impolitic to admit slave-grown sugar at an equal rate of duty with that grown in our Colonies, or with free-labour sugar grown in foreign countries. But, independent of this argument of slavery, which to him appeared sufficiently conclusive—he must confess that he adhered to the argument in favour of protection to our home interests, whether agricultural or manufacturing; and he thought that the West Indian Colonies

ought to be treated as an integral part of the Empire, and that the Government were bound to protect them; and if protection was to be given at all, he did not see how they could be offered less than that which was now proposed by Her Majesty's Government. Last Session an important measure was passed for the admission of free labourers into the West Indian Colonies. Whether that measure might not have been introduced earlier—whether greater facilities might not have been given, or might not still be given, they were not called upon at present to discuss. It was not improbable that that experiment would succeed. If they might judge by the accounts received from Demerara, and particularly from the report made by the Sheriff of Demerara to Governor Light, who stated that without disparaging the negro, the Coolie worked better than the negro did—he thought the experiment would succeed; and if it did, he did not see why the West Indian Colonies should not send an increased supply of sugar at as cheap a rate as any country employing slave labour. But he thought it would be unjust at present to overwhelm the energies of the West Indian Colonies, by bringing in a mass of slave-grown sugar which would come into direct competition with them. He believed it was an admitted fact that a labourer working for a fair rate of wages, and for his own benefit, would do more work than a slave, even though working under the lash of a slave-driver. If he might judge from the opinions of the Ministers of other countries—he alluded to the letter of Mr. Calhoun to the American Minister at Paris—they would find that other nations were now arguing as to the impossibility of discontinuing the Slave Trade, and on the failure of the experiment in the West Indies. It was said that the consumer in this country paid a higher price for his sugar than he ought to do. Whose fault was that? Not the fault of the West Indian proprietors. Emancipation was by our own act, not theirs; and though the hon. Member for Manchester might laugh at the trifling amount of exports which were sent from the West Indies to this country, yet he thought that ought not to be looked upon as a light question; for if the three millions of exports to the West Indies were thrown back upon the home market, it would glut it instantly. He said then that the country would derive a benefit from the proposed measure; and he was asking no more

than what was fair and right when he asked the country to give them a trial. He hoped the House would not do the West Indian proprietors the injustice of supposing, when they talked of reducing the wages of their labourers, that they meant to grind down their wages to the lowest degree, and leave them nothing but a bare subsistence. What they wanted was a fair day's work for a fair day's wages, and a constant supply of it; not to see the labourers leave off their employment in whole gangs at twelve o'clock, and then go and idle their time in the neighbouring villages. They wished to put a stop to this practice; to induce the negroes to pursue an industrious and frugal mode of life, and to show them how much a system of constant moderate labour was to be preferred over a life of idleness. Rather did they wish to bring over large supplies of foreign labourers; it was the conviction they wished to establish in the negro mind—that if the first supply of Coolies was not sufficient, there was an unlimited supply in reserve. It was the knowledge of this fact on which they depended for inducing the negroes to work, and not so much upon the actual amount of labourers. He trusted, therefore, whatever outcry there might be raised in or out of this House, that Ministers would not depart from the line of policy they had hitherto pursued on this question—that they would use all legitimate means to suppress the Slave Trade. Hon. Gentlemen opposite were accustomed to taunt their Friends with inconsistency in voting against the introduction of slave-grown sugar, while they allowed the use of slave-grown cotton, and slave-grown tobacco; he thought by the same rule of consistency those Members who supported the present Motion ought to vote next for striking out from the Navy Estimates the large sums which were annually expended for the suppression of the Slave Trade, the supplies for which were cheerfully granted by the House, and which he believed did not meet with a dissentient voice in the country; for he believed that the prevailing opinion among the people of England was that there was no sacrifice to which they would not cheerfully submit for the suppression of this traffic, rather than give any support to the continuance of it.

Viscount *Howick* said: I think, Sir, the House can hardly have failed to observe that the hon. Gentleman who has just sat down, being a great West India

proprietor, and the right hon. Baronet who spoke before him, being a Member of the Government, have both explicitly admitted a fact which has been alleged on this side of the House, viz., that by the existing system of protective duties with regard to sugar, a tax is levied upon the people of this country beyond that which is received into the Exchequer. As to the amount of this tax, which has been calculated by the hon. Gentleman who made the motion before us at 2,300,000*l.*, they have not explained their opinion; but the remarkable fact that a very considerable tax beyond that levied for the public service will be imposed upon the consumers of sugar, has been distinctly admitted by the hon. Gentleman. [Mr. *Miles*: No.] The hon. Gentleman says "No;" but I appeal to those who heard his speech, whether his whole argument did not go to prove that the tax should be paid, and whether he did not admit that he and the West India proprietors anticipated great advantage from it. The right hon. Baronet laboured also very much to the same effect, and at the commencement of his speech he repeated the argument—already so hacknied on the Treasury Bench that I hardly know how to meet it—that the Amendment of my hon. Friend was merely an abstract question. For my own part I can hardly conceive anything less abstract than the question before us, since, whatever be the form of the Resolution, no man who listened to the speech of the hon. Gentleman who moved it, can doubt what its real effect and intention are. Its real effect and intention are, as I understand it, to reduce at once the duty on Foreign sugar to the same rate as the proposed duty on Colonial sugar. I confess that I should have preferred, for my own part, that we should have gone into a Committee of Ways and Means, and that then this alteration in the scale of duties proposed by the Government should have been brought before us in the ordinary way. But, after all, the form in which a question is brought before us is of little consequence. I, for one, distinctly support this Motion as a Motion for equalizing the rates of duty on Foreign and Colonial sugar; and I intend to endeavour before I sit down to show you, first, that it is of the greatest importance that the equality of the duty should be established; and, next, that the opportunity which is afforded you by being able to make a large reduction on the duty upon Colonial sugar is one which you ought to avail yourselves of in making this change

in your policy. First, with regard to the effect of the existing rates of duties. It has been argued on this side of the House, and it has not been disproved, that the effect of the proposed measure of Her Majesty's Government is to raise the price of all Colonial sugar 10s. a cwt. at least beyond the amount which it might otherwise be sold for; and if that be not the object I am really at a loss to understand for what purpose this differential duty is proposed. [*Cries of "No."*] If you don't admit that without a differential duty Foreign sugar could be introduced at a lower price than Colonial sugar, and that Colonial sugar would fall to that price, with what object is it that you propose a differential duty at all? I can only understand it in that way. I believe you find that sugar can be produced in foreign countries 10s. per cwt. cheaper than it can in the British Colonies, under existing circumstances; if it were permitted to come into our markets upon the same terms as Colonial sugar, the latter of course could not command a higher price than that at which the foreign producer could afford to sell his produce: therefore, to prevent a fall in price which would be injurious to the Colonies, you saddle Foreign sugar with an extra duty of 10s. per cwt.; for the very purpose of causing the whole of the Colonial sugar imported in the ensuing year to rise in price 10s. a cwt. or 10*l.* a ton more than it would sell for if exposed to the equal competition of Foreign sugar. But as the right hon. Baronet calculates the import of British sugar at 230,000 tons, by thus raising its price you are laying on the people the immense tax of 2,300,000*l.*, which the hon. Member for Manchester has described, in addition to what is paid into the Exchequer. I do say, considering how very nearly sugar now partakes of the nature of a necessary of life, considering how largely it enters into the consumption of even the poorest families of this country, that this is a most exorbitant tax to be levied on it in addition to what you levy for purposes of revenue. And, really, when I hear Gentlemen call this system "protection of British industry," I am at a loss to understand by what perversion of terms you can apply such a description to such a system. Instead of calling it "protection of British industry," I call it a most unjustifiable spoliation of the British labourer of the produce of his hard-earned toil. Let us follow out in detail how this system works. You will admit, I presume, that sugar,

whether Foreign or Colonial, is ultimately paid for by the export of British manufactures. It is simply an exchange of the produce of British industry for the produce of the industry of those countries in which sugar is cultivated. I believe there has already been some change in the market in consequence of the announcement of the measure of Her Majesty's Government; but I was informed only a few days ago, that before the intended alteration of duties was known, Brazilian sugar was sold in bond at 18*s.* 6*d.*, while Colonial sugar of the same quality cost 26*s.* a cwt. Now, it is quite obvious, that 26 tons of Foreign sugar at 18*s.* 6*d.*, and 18½ tons of Colonial sugar at 26*s.* a cwt., will each cost 481*l.*; in other words, that the produce of British labour to the value of 481*l.* will exchange for 26 tons of Brazilian sugar, and only for 18½ tons of Colonial sugar. Now, these are sugars of precisely the same quality, and of course, therefore, if they were admissible on equal rates of duty, the cheapest would govern the market price, and the manufacturer, therefore, would be able to exchange his goods to the value of 481*l.*, not for 18½ tons, but for 26 tons of sugar. But you will not allow that to take place. There is Brazilian sugar in your bonding warehouses—the owner is anxious to exchange it for your manufactures, and the manufacturer is equally anxious to exchange his produce for Brazilian sugar; but that simple exchange you will not permit. You step in with your fiscal regulation, and say to the British labourer and to the British manufacturer, "Though your labour is honestly worth 26 tons of sugar, it shan't be permitted to fetch more than 18½ tons." That is the nature of the transaction; and I wish to ask you who, last year, in the discussion on the Factory Bill, said that the right a man had in his own labour, as it was the first of all property, so was it the most sacred and most inviolable—you who told us that it was the height of injustice to prevent a man turning his labour to the best advantage—you who said that even for the sake of a great public benefit such a right ought not to be trenched on—I ask you to account to this House and to the country why you say that the British labourer (and in this respect I use the words "manufacturer" and "labourer" as synonymous)—why the British labourer should not be permitted to make the most of his own labour, and give it in exchange to that man who will give him the most in return for it? That is the simple question

which you have to explain ; no explanation has yet been offered, and I think we have a right to demand one. It is true that the loss does not fall upon the manufacturer alone—of course not ; it falls upon the whole community—upon all who purchase sugar, but most especially upon the labouring classes, whether manufacturing or agricultural ; and it does so because it tends to diminish the power of British industry ; and by diminishing the power of British industry, it diminishes the remuneration which that industry can command. But you greatly under-estimate the evils of this protection, if you imagine that the only benefit to be derived from its alteration would be the introduction of cheap sugar. It goes far beyond that. The right hon. Baronet at the head of Her Majesty's Government told us last year that so unreasonable was Brazil, that she would not admit our manufactures on favourable terms unless we would admit her sugar in return ; and he said, if we should admit her sugar on the same terms as we did Colonial sugar, that there would be no obstacle to the admission of our manufactures into Brazil. If you admit, then, Brazilian sugar for consumption, it is clear, on your own showing, that that alteration would be the means of opening a new and valuable trade with the Brazils, and that exchanges would go on to a large extent ; and only see how advantageously it would work in this country. You would create, by this new trade, additional employment for the manufacturing labourer, and improve his wages ; that, of course, would increase the demand for agricultural produce, and more employment of agricultural labourers would follow, whilst they in their turn would consume more sugar and more manufacturing produce. Thus, the indirect effect of these measures would be equal to the direct, and you would give an impulse to British industry, of which you can hardly conceive the extent and value. Hon. Gentlemen opposite, representing the agricultural interest complain loudly that nothing is done by the Ministry, which owes its existence to the "farmers' friends," either for the farmers or for the agricultural labourers. Why do they not join us upon this occasion ? Why do they not ask their Minister to get rid of the monopoly of sugar ? By doing so they would give more real relief to British agriculture and commerce, and to every other branch of British industry, than by any attempt to draw tighter the

protection, as it is called, which they already possess. Such are the commercial advantages, and such the advantage of the relief to your population, which might be obtained by this simple measure. And let me point out to the House that these advantages need not be purchased by any sacrifice of revenue. On the contrary, by consenting to accept these advantages, you will obtain revenue, instead of that heavy loss which the right hon. Baronet proposes to incur. The right hon. Baronet calculates the direct loss to the Revenue by the measures he has submitted to the House at no less a sum than 1,300,000*l*. I believe he has greatly under-estimated the loss. I believe his calculation of probable receipts in the ensuing year will not be verified ; but, assuming it to be correct, I am persuaded, that if you will consent to admit Foreign sugar at the same rate as Colonial, this heavy loss will, to a great extent, be covered ; and that if not immediately, in a very short time at all events, you will regain the revenue which you at present derive from the article of sugar. You will afford an immense relief to the consumers, and the Treasury will suffer no loss whatever by the change. I know we shall be told (for this has been the one string harped upon during this and former debates upon the same subject) that we shall be told such a measure would be unjust to our Colonies. I should be glad to be informed in what respect it would be unjust ? We already pay no inconsiderable charges for those Colonies. We defray, in the first place, the whole expense both of their civil and military protection, and in the next we make a very liberal grant for the purposes of education and of maintaining a stipendiary magistracy in our West India Colonies. There is a grant for religious education also. ["No."] Yes, there is a charge upon the Consolidated Fund for the Bishops and part of the Clergy of the West Indies, paid out of British taxes. When we pay so much already for our Colonies, I want to know upon what ground it is that they claim a right to impose upon us a further tax to the very serious amount which I have already adverted to ? When you talk of "injustice," I am very anxious to know to what class in the Colony that injustice would be done ? When you talk of "justice," explain yourselves a little further, and tell me to what particular class in the Colony justice requires that this burden should be continued upon

the people of England. Is it the labourers? The right hon. Gentleman the Vice-President of the Board of Trade, who has just sat down, has told us that the labourers in the West Indies are in an extraordinarily prosperous condition—that they can earn 2s. a-day, besides their provision grounds, with a very few hours' labour, and the only difficulty is that they really are so well off, and they earn so much, that there is not sufficient inducement for them to do a fair day's work. I believe the right hon. Gentleman is nearly correct in this representation of the state of things. Then I want to know, if you compare the condition of the negro labourers in Demerara or Trinidad with that of the peasantry of Dorsetshire and Wiltshire, is there any justice in taxing the Dorsetshire or Wiltshire peasant for the benefit of the singularly well-off peasant in the West Indies? No man can assert that justice or anything like justice would be done by such a proceeding. But if it is not the labourers, is it the merchant or the shipowner? No Gentleman, who has looked into this subject, can doubt that both merchants and shipowners would gain far more by an unrestricted trade in sugar, Foreign and Colonial, than they can possibly gain by this protection. Then, if it is for neither of these classes, what remains? There remains no other class than this—the owners of land in the West Indies, the planters resident in this country. And the people of England would do well to understand, when you talk of "justice" to your Colonies, that what you mean, stated plainly and intelligibly, is simply this—that you propose to tax the people of England to a very heavy amount, in order to place a large sum of money in the hands of certain West India proprietors, gentlemen resident in this country. This is really the object and the result. If the West India proprietors have any case against this country, I am prepared to meet it fairly. Let us, as was suggested by the hon. Member for Manchester, look into it. Let them state their case—let them make it out—and I am quite certain the people of England will not shrink from meeting any fair demand upon them. We have already shown that we have no such disposition by the liberality with which we granted the large sum of 20,000,000*l.* Then, make out your case—prove it clearly, and upon indisputable evidence—and the people of England will meet your fair demands.

But let us do it in the way least onerous to ourselves. Take a direct sum from the Treasury—charge the Consolidated Fund with annuities for these gentlemen—but, for one, I will not consent upon account of any supposed claim of the West India proprietors to incur a tax which, at the very least, for every pound it puts into their pockets, takes two out of the pockets of the people. I will venture to rest the whole case upon this fact—that I prove to the satisfaction of any Gentleman, that for every pound which is really made by the West India proprietors by this monopoly, the charge upon the people of England is at least 2*l.*; the difference being wasted in the misapplication of labour and of capital. I say further than this—I am persuaded, that while this measure will most grievously injure the people of England—while it is a grievous injustice upon your own industrious classes—I am persuaded it will altogether disappoint the West India proprietors—that it will altogether fail to confer upon them the benefit which they anticipate. The grounds of that belief I think it is not very difficult to state. Sir, any Gentleman who has taken pains to make himself acquainted with the actual condition of the West Indies—above all, those who have read the mass of evidence which was taken before the Committee appointed by this House to inquire into the state of these Colonies in 1842—I say those who have taken pains to make themselves thus acquainted with the state of those Colonies cannot be ignorant that what is now complained of is the competition with the small supply of labour there. The competition of the planters among themselves raises wages so high, that the negroes, by working only a comparatively small portion of the day, are enabled to supply themselves with all those articles of consumption to which they have been accustomed. Of course, like men in every clime and country, they do not like work for work's sake. When they can provide themselves with those necessaries, and comforts, and luxuries, to which they have been used, of course they will labour no more; and we find, that whatever the price of sugar is, the planters outbid each other, in trying each to obtain as much labour as possible, until they give the highest wages the price of sugar at the time enables them to afford to take labour away from each other. This is the necessary effect of a deficient supply of labour in the market. Then, what will happen if you, by a reduction of duty, un-

accompanied by an extension of the sources of supply, greatly increase the demand for Colonial sugar; thus raising the price received by the planter? My conviction is, that the competition for labour which already exists in your Colonies, will become more intense; that wages in consequence will be raised; that your wishes to benefit the planter will not be realised; but that the negroes will be enabled to supply themselves with all they want, by means of even a smaller amount of labour than they now give. The effect of your measures will, therefore, most probably, be rather to diminish than increase the supply of Colonial sugar, and to place the West India proprietors in a worse situation, as compared with the East Indies, than they are in at present. I think, then, there are strong reasons for believing such will be the effect of the measure which the right hon. Baronet proposes. Upon the other hand, let me point out to you—if I have already shown, as I cannot help thinking I have, that the existing system of protection imposes a heavy burden upon the British people—in the next place, that in consequence of the great reduction you now propose to make in the duty upon Colonial sugar, you have an opportunity which is not likely again to occur, of changing the policy you have hitherto followed, without incurring even the temporary inconvenience which might under other circumstances be apprehended. I think, that at a time when it is in your power to make a great diminution in the duty levied upon Colonial sugar, you have a very great facility for making a change of policy, which at any other time I admit might be difficult. At any other time I do think, after having so long acted upon the system of protection, the change would, in the first instance, be attended with great temporary disturbance to industry in the Colonies. I think that likely to be the effect; but at the time when you are making a large reduction of taxation upon the article of sugar, I think you have a reasonable ground for expecting that you might make this change of policy, and escape any such serious shock to Colonial industry. It is also to be considered that it is only by doing this—by making the two measures simultaneous—by coupling to the reduction of the duty upon Colonial sugar the equalisation of the duty upon sugar of all descriptions—it is only, I say, by making these two measures contemporaneous, that you can hope to secure to the consumer the benefit

he ought to have from the reduction. If you were to reduce British and Colonial sugar without extending the sources of supply, the great probability is there would be no fall of any consequence in the price of sugar. The consumption in this country is so entirely kept down by price, and it is so infinitely below the real wants of the people, that my firm belief is, if you do not extend the sources of supply at the moment of reducing the duty, the demand will rise in the same proportion; and the whole advantage of the reduction will be divided in the shape of increased profits and increased wages between the planters and the labourers who are employed in the production. If there were to be no extension of the sources of supply, I think this would inevitably happen. I believe even the inadequate extension of the sources of supply which the right hon. Baronet has proposed this year and last, by admitting free-grown sugar at a differential duty, will to a certain extent counteract this effect, and the consumer will gain really something, I hope rather considerable, from the measures of the right hon. Gentleman. But if you were to carry that extension of the sources of supply somewhat further, and if you were to admit all Foreign sugar at the same rate of duty you propose for Colonial sugar, I think, when you look at the present consumption in this country, you can hardly doubt that it would immensely increase. What would be the effect? The total supply of sugar in the market of the world does not now exceed the demand. There is a demand in Europe and other parts of the world for all the sugar produced in all our own Colonial possessions, Brazil, and elsewhere; but if from that supply a considerable proportion is to be drawn off to meet the increased consumption of this, the richest and most numerous body of consumers in the world—if a large increase of consumption of that kind is to take place, it is quite obvious that, as the supply of sugar cannot be immediately increased, the price in the market of the world must of necessity rise. Prices would be thus supported; and when I look at the fact that the difference of price of equal qualities of Brazilian and Colonial sugar was lately only 7s. 6d., and the remission you propose to make of duty upon Colonial sugar is 11s.—when I consider this, I feel persuaded that the price of all kinds of sugar in the market of the world would, for a time at least, be so supported that the immediate fall of prices in this country could not go beyond the

amount of the remission of the duty; that the 11s. you propose to remit of Colonial duty would cover the reduction of price for which sugar of whatever kind would be sold in bond in this country. If so—and this is the argument I wish to press upon the House—it follows, if you make this great and most desirable change of policy, without at all injuring, at all events for the present, the condition of the Colonial producer (since, if the fall of price in this country does not exceed the remission of duty, he remains as well off as he is at this moment), you will, therefore, be able to effect this great change of policy without any disturbance to Colonial industry, and without any immediate pressure upon the Colonial producer, who will remain in the same situation as he is at this moment. I have guarded myself by saying that this would be the case only for the present. No doubt the supply of Foreign sugar would gradually increase, and the increased prices would probably be brought down by degrees, not at once, I believe, but by slow degrees, according to the real cost of production; but do you not see that the effect of this would be to make foreign competition come gradually upon your own Colonial producer? He would not be exposed to any immediate difficulty of this sort; it would be only by slow degrees that the pressure of competition would be brought to bear upon him. The difficulty would come upon him gradually, which, in my opinion, is what he must expect, and he can have no right to ask for more than that he be gradually, and not suddenly exposed to competition. It is all that right hon. Gentlemen opposite, when arguing upon the policy of free trade, ask for. When they admit the principles of free trade are those of common sense, they always go on to say, “Do not introduce them at once, give us time, let us be exposed gradually to this new difficulty.” That is precisely what would be the effect of making these two changes at the same time. It would be exposing the Colonial planter only by degrees to the pressure of competition with his Foreign rival. In the meantime I am persuaded, if proper exertions were made, the British producers might be in a situation to bid defiance to the competition of Foreign producers. Those who are aware of the state of things in the Colonies must know how much it is in the power of the colonists themselves and of the Government to reduce the cost of the production of sugar. The hon. Member who last spoke candidly

admitted that up to a very late period the system of Colonial cultivation was one of reckless extravagance. He said that under the pressure of necessity considerable improvement had taken place. I believe it; and I believe that under the pressure of further necessity still greater improvements would be introduced. I believe that by an increase in the supply of labour—by a change in the present system of management—by a more economical mode of cultivation and of manufacture—I believe, by means of this kind, you may so reduce the cost of Colonial sugar, that by the time the supply of Foreign sugar is so increased as seriously to interfere with your own in your own market, your own will have no need to fear the rivalry. That is my opinion; but in expressing that opinion let me not be understood to mean that by any change you can adopt you can enable free-labour sugar to meet in competition with the sugar of slave states, if the existing system of cultivation by non-resident proprietors is continued. The hon. Member for Manchester very properly laid great stress upon this argument. I believe it lies at the bottom of the whole subject. I remember some years ago I asked the same question. I asked you, if you had to carry on the cultivation of an English farm, or the management of an English factory, while the proprietor was resident at Naples or Moscow, what chance there would be of profit from such a transaction? We know that an English farm is not often a very gainful pursuit in the hands of a gentleman, even if he is upon the spot to watch over the proceedings of his agent, but that if he is absent, loss is the invariable rule. Why should it be different in the Colonies? The production of sugar involves both agriculture and manufacture. Like every other business of the same description, profit entirely depends upon strict economy in detail—upon the energy, the enterprise, and the judgment which are displayed in adopting every possible improvement in the processes both of cultivation and of manufacture; and I say that all experience proves it is utterly impossible that the agent of a non-resident proprietor should be able, be he ever so honest and ever so active in every respect, to equal a resident proprietor. It is totally impossible. I am convinced, Sir, that in the end the change now proposed would be highly beneficial to our Colonies, because it would stimulate those improvements which are so much required; it would make the Colonial Legislatures ex-

ert themselves to do all which depends upon them. Much depends upon them. I have taken some trouble to look into the Returns laid before the Committee to which I have already adverted; and I was much struck with the fact, that in every one of those Colonies there exists a system of taxation the most unwise it is possible to conceive; a system objectionable, less for the amount of money it raises, than for the means by which those sums are raised, calculated not to stimulate, but to depress industry. As I said before, there is a ruinous and wasteful system of management by attorneys and by overseers. I am persuaded that if you reduce the duties, the change which has already begun to a certain extent will go on much more rapidly; proprietors will sell or lease their estates; and the negroes are rising so fast both in property and intelligence that many of those properties would fall into their hands. With the stimulus of personal interest I have not the least doubt that cultivation and manufacture would both be improved to the greatest degree. Besides that, you must remember that in a few years you will have the advantage—every day it is beginning to be more felt—of a peasantry fast rising into manhood—not educated under the degrading influence of slavery, but enlightened by freedom and education. When you have all these advantages—a change in the organization of society by leasing or selling of property by non-residents, an improved character of the peasantry, an increased supply of labour, a more judicious distribution of taxation, improvements made in cultivation and manufacture—when you may have all these advantages, can any man doubt we should find the practical truth of that principle which the advocates of emancipation used always to avow;—namely, their thorough confidence in the superiority of free over slave labour? By slavery, it is true, you can extort the mere physical exertions of the slave, but you cannot draw out the qualities of his mind; for that purpose slavery is wholly inefficient—utterly powerless. All experience proves that every business which is carried on by slave labour, whether it is in your own Colonies, whether it is in the United States of America, whether it is in the Brazils—in all cases every branch of industry carried on by slave labour is invariably carried on by the rudest means, and without any of that economy of labour which is the first condition of cheap production. The intelligence of the labourers

cannot be called forth; and therefore the rudest and most barbarous means of applying his strength are still, to a great extent, adhered to. Sir, that is just the case with regard to the cultivation of sugar—that is the reason why, although intelligent and civilized Europeans have now for about two centuries been engaged in it, it is so little advanced beyond its primitive state. And I believe, Sir, that more has been done towards improvement within the half-dozen years since slavery was really abolished in your own Colonies, than even during the two preceding centuries. If I am well informed, in some of your Colonies, and particularly in those in which there are resident proprietors—in Antigua and in Barbadoes more especially, considerable improvement is going on. Taking that improvement into consideration—taking into consideration the further improvements which will no doubt be made, and the stimulus which they will naturally give to competition—looking at all these things, I feel perfectly persuaded that in a few years you will find that free labour will be far cheaper than slave labour; and that the rich regions of Demerara, Trinidad, and Jamaica, will be able not only to drive the produce of slave labour out of your own markets, but to drive it out of the market of Europe and out of the market of the world, and by doing so abolish not only the Slave Trade, but slavery. Sir, these are the great results to which, I believe, you may confidently look, if you have so much faith in the truth of great principles—so much reliance on the ultimate triumph of what is right and good over evil in all its shapes as to venture to adopt an enlarged and enlightened policy on this subject, instead of timidly shrinking from what may be the temporary difficulty and the passing inconvenience with which it may no doubt be attended. For I admit that if you adopt the line of policy I recommend, some temporary inconvenience, some fleeting evil might arise. I am not prepared to deny that for a time encouragement might be given to the Foreign Slave Trade. [“Hear.”] Sir, I am perfectly prepared for that sneer from the other side; but I can assure the hon. Gentleman that it does not at all shake my confidence in the opinions to which I have given expression. Any temporary evil that might arise from the adoption of the principles I recommend, would, in my opinion, be of minor importance, when you take into consideration the great object sought to be achieved. I

do not deny that the feeble and hesitating measures which you have directed against slavery and the Slave Trade—your partial exclusion of the produce of slave labour, from your markets, rejecting some kinds, whilst other kinds you have thought it too great a sacrifice to refuse—your endeavour to bolster up the industry of your emancipated Colonies by maintaining protective duties—your attempts to put down the Slave Trade by an expensive force, while its continuance is assured by the immense profits it produces—I do not, I say, deny that by these means you may have palliated, in some degree, though you could never hope so to get rid of the evil with which you have been contending. If, therefore, you should now resolve to change your course—if, trusting to the truth of the principle on which you have partially acted, that free labour is better and cheaper than slave labour, you are prepared to commit your Colonies unaided—I ought to say unincumbered—by protecting duties to a struggle in your market with the produce of slave labour—if, with a view to an ultimate triumph over slavery itself, you venture to discontinue some of the measures by which you have hitherto hoped to escape giving encouragement to the Slave Trade; and if, acting on the conviction that no real good can arise without steadily pursuing some principle, you should determine to get rid of the inconsistencies of your present system, and to admit slave-grown sugar as you admit slave-grown cotton, slave-grown tobacco, and slave-grown coffee—should you, I say, take this course, I should be quite prepared to find that, for a time, there might be some increase of the Slave Trade; but the apprehension of this passing and fleeting evil cannot deter me from doing that which I believe to be wise and right in itself, and calculated in the end to gain a great victory for the cause of humanity. It is the unshaken confidence I feel, that in the struggle that would sooner or later ensue, the produce of free labour will triumph over the produce of slave labour, and thus an end would be put to the existing system, which induces me to give my support to the proposition of the hon. Member for Manchester (Mr. Gibson). And to the hon. Gentlemen on the other side of the House who are pleased to impute to us for acting upon these convictions, that we would encourage the Slave Trade, I beg to say, I am not more indifferent now to the horrors of slavery and of the

Slave Trade, than I was when we were engaged in the arduous and finally successful struggle to abolish it in our own Colonies, in the days when it there flourished, and when the new-born philanthropy of those who now taunt us on this subject did not prevent them from defending it, and profiting by its abuses to the latest moment that they were permitted to do so. I say, I am not less opposed to slavery now than I was at that time when I was, though a very humble, a very sincere supporter of those men by whose exertions the character of the British nation has been cleared of the stain of supporting slavery in its Colonies. I was an humble and a sincere supporter of those Gentlemen; and I cannot help here expressing my regret that we have lately lost one of the most remarkable of them, distinguished by his advocacy of the cause, by his sincerity, and the ability with which he supported his opinions. But, though I strenuously assisted the late Sir Fowell Buxton in his struggle on this subject, and though I retain all the views and the feelings I then entertained, I say again I am not to be prevented by them from supporting the Motion of the hon. Gentleman; and I do hope the people of this country will look into this question, and that they will compare the former conduct of those who resist this Motion on the ground that its adoption would encourage slavery, with the conduct of those who are in favour of it, and then they will see how much of sincerity there is at the bottom of the argument made use of by the Gentlemen opposite; and I hope they will ask themselves whether, on account of an argument like this, which I think is unfounded, they will continue to subject the distressed labouring classes of this country to an undenied burden, and to an undenied tax—a tax to a very large pecuniary amount, and a burden far heavier than even the amount shown by the pecuniary tax.

Mr. W. E. Gladstone: I for one do not intend, Sir, to follow the noble Lord the Member for Sunderland, in what he has said with reference to the question of slavery and the Slave Trade. This important subject we shall on a future occasion have an opportunity of fully discussing. The few words I have to say upon the subject at present will be entirely of a defensive character. I quite concur in the sentiments of regret expressed by the noble Lord (Lord Howick) at the departure from this world of a man of considerable emi-

nence in connexion with the abolition of the Slave Trade—I mean Sir Fowell Buxton. I entirely agree with the noble Lord in entertaining feelings of the highest respect for the character of that philanthropist. I never shall forget his sincere and earnest zeal in the cause he espoused; and I must be permitted to add, I shall never forget that which is a rarer quality in popular assemblies in this country, the gentle and kindly manner in which he was accustomed to pursue the subject which was dear to his heart. But, Sir, I must say, that I felt when the noble Lord was happy in choosing this particular moment for passing an eulogium upon Sir Fowell Buxton, he was unhappy in fixing charges on the character, and impugning the motives of his opponents, in desiring to have their conduct censured and condemned for the conduct they had pursued, and in talking of what he called their new-born philanthropy. For on the question of the Sugar Duties the Members of the Government have thought it their duty to take the very course which was pursued by Sir Fowell Buxton, the object of the noble Lord's eulogy. But, Sir, I will say no more on that subject at present, but leave it for a future occasion. With regard to the question before the House, I scarcely know how I am to approach it. Those Gentlemen who spoke of the Motion, have undoubtedly treated it as a Motion to pledge the House to the immediate equalization of the duties on British and Foreign sugar. Now, I must confess that the proposition brought forward by the hon. Member for Manchester has been framed somewhat ingeniously, and with a view to combine many who, had it been otherwise framed, might probably have been opposed to each other. The advocates for extreme measures have, as I think, left out one strong point in this case, and that is, of not putting parties out of doubt, of not bringing the question to a final settlement, and, if practicable, of preventing the possibility of future legislation. I think, Sir, that this merit cannot be applied to the Motion of the hon. Gentleman the Member for Manchester. And I cannot help thinking that he has framed that Motion to catch stray votes, and to combine in a common expression of opinion Gentlemen not exactly agreed; and an announcement was made by a distinguished Member, that though he was not prepared to accede to an immediate equalization of the duties on Foreign and Colonial sugar, he was prepared to vote for the Motion of the hon.

Member for Manchester—the right hon. Gentleman the Member for Devonport distinctly said this. And, therefore, the hon. Gentleman has himself shown some want of courage, and some want of confidence in those principles which he advocates. The hon. Gentleman has not been prepared to state the case on the merits of those principles alone; but he has shown himself anxious to join those who are not prepared to unite with him in endeavouring to carry into effect those practical measures of which he himself is the advocate. Therefore the hon. Gentleman must not come to us and say, that he is prepared to bring forward a measure, the adoption of which would settle and put an end to long agitated questions; and that the policy we recommend only tends to increase contentions already existing, and is not calculated to effect a settlement of them. The hon. Gentlemen opposite have spoken to-night of what they called the heavy burden of the tax paid by the people of England on account of the differential duty on West India sugar. And I don't deny that there is a payment, which if you please you may call a tax, made by the people of England on account of this differential duty. I admit this; but why should hon. Gentlemen resort to unnecessary exaggeration on this subject? The noble Lord, himself, who does not usually indulge in exaggeration, but whose habit was one of great precision, had nevertheless been no doubt unintentionally led into exaggeration, and had commenced his speech by fastening on my hon. Friend the Member for Bristol the charge that he assented to the doctrine that 2,300,000*l.* was the minimum of this tax levied upon the people of England. Now, what did the noble Lord proceed to do, having made this statement? He proceeded to make a calculation founded upon the statement made by the hon. Member for Manchester, and stated that the amount of differential duty was 10*s.* per cwt., or 10*l.* per ton. But this was carried much farther by other hon. Gentlemen. Some made the duty amount to 3,000,000*l.* But the noble Lord himself afterwards went into details, from which he made it appear that the amount of differential duty was only 7*s.* 6*d.*, instead of 10*s.* or 13*s.*, and 10*l.* or 13*l.* [Lord *Honick*: That is now, and not what it would be after the change.] You say it would rise. While some hon. Gentlemen said that the differential duty was 10*s.* or 13*s.*, the noble Lord himself stated the difference to be 7*s.* 6*d.* The noble Lord

says, that that is what it is now, and not what it would be after a change. But he has informed us, and invited our attention to the statement, that if the measures proposed were adopted, there would be a very considerable increase in the amount payable for Foreign sugar, and a proportionate decrease in the payment for Colonial. Well, but the effect of that would be to diminish the difference, and to lessen the pressure of the tax. All I wish to do at present is, to deprecate unnecessary exaggeration on a matter of this importance. But I will now refer to the real question before the House, and state what may be considered in a great measure the gist of the argument. I grant you that we are bound to say on what principle we contend for the maintenance of the present duty. And let me observe, that while the Government considers itself justified in making a relaxation of duties for the benefit of the country at large, it feels itself bound to adhere to the principle which has been long adhered to—that the policy of this country has been to maintain a system of protection; and under that system of protection, interests have been formed, capital and labour have been distributed—and perhaps, if you like to say so, in a vicious and defective manner—but still capital and labour have been so distributed, and the principles upon which the British House of Commons have always acted, have been not to take any unfair advantage of such interests, wherever they existed. And while I must say, that I don't think this House will be prepared to depart from the principles hitherto followed, yet, I believe, it is the opinion of a small number of Gentlemen that we ought to apply with an inconsiderate and unsparing hand the principle of free trade. To the question that has been raised by the Gentlemen on the opposite side of the House, I think a most definite reply may be given. The hon. Member for Wolverhampton (Mr. Villiers) asks what claims have the West India planters? Now, I grant that this is a question upon which, on the part of the West India proprietors, we are bound to answer. I wish heartily that it were possible that equality, or something like equality, could be established between the native and the foreign productions. Such an equality cannot be established; and I do believe that the adoption of the proposition of the hon. Member for Manchester would bring down ruin on a numerous class of persons at home, and carry dismay into the Colonies—a dismay

that would spread throughout all classes of the community—and be attended with the most injurious consequences to the labouring classes. I grant you that the extreme dearness of production in the West Indies forms the difficulty of this question. I admit that it would be unfair to make a demand on the people of this country as an encouragement to the grower, if no reason existed for such a demand being made. But reasons exist for such a demand. I should at once abandon the differential duty, if it could be shown that it would be reasonable to do so. But that cannot be done. But what are the causes of the dearness of production in the West Indies? Now, I don't wish to adopt the language of partisanship in this matter. There has been a passion for saying that scarcity of labour has been a cause of the dearness of production. That, in my opinion, is not the sole cause, but one of the most important causes. I assert, as I have asserted before, that although scarcity of labour is one cause of the dearness of production, the scarcity of proprietors (of course I mean resident proprietors) is another. Although it would be desirable that both these evils should be remedied, if possible; yet it would, perhaps, be the more important of the two, if you could change the non-resident proprietors of estates to a resident class. Although both considerations were material, yet this was, perhaps, the first in order and importance. Now, what is the source of these two causes of the dearness of production? How had the West India proprietors come to be non-resident? Because non-residence was perfectly compatible with the produce of slave labour, and when a heavy system of expenditure was entailed, in consequence of the proscription of slave labour, this was a departure from the system formerly established and recognized, for the result of which the Legislature of this country was responsible. That great and serious disadvantages resulted from non-residence is a position which no one will attempt to gainsay; but having, by the permission of slavery for so many years, prevented non-residence, we must not now claim to be exempt from the natural and unavoidable consequences of our own acts. The question will then naturally be asked of the West Indian proprietors—"Why do you not become residents, or, failing to become residents, why do you not place in the care of your estates some near connexions of your own, who would have a direct interest in the well-being of the labourers, and in

the productiveness of the estate, or why not hand over your estates to eligible tenants, or part with them to persons who will reside in the Colony?" Those questions are much easier asked than answered. Surely hon. Members must see that arrangements so extensive could not be effected in periods of time that could be reckoned by months or years. The framework of society could not thus be changed throughout a whole country in so short a time as that which elapsed since the abolition of slavery. It would not, in my opinion, be too much to expect that a whole generation should pass away, before such a change could be effected. Then, with regard to the other cause, respecting which so much has been said, namely, the scarcity of labour; I rather imagine the House will agree with me that that scarcity does not proceed from any single act, or from any individual cause. No man can shut his eyes to the fact that the Parliament of this country has been the cause of making labour scarce. I should be the last man in the House to deprecate the measures by which that result was brought about. To deprecate the abolition of slavery is the furthest thought in the world from my mind; but though we may rejoice that slavery has been abolished, we must not shut our eyes to the truth that the state of the West Indies cannot be considered in the same light as it must have been viewed before the abolition of slavery. Labour was then cheap—labour is now dear; and those who were the cause of this effect must not at present refuse to bear their proper share of the consequences of their own acts. We all know perfectly well that the estates of the West India proprietors may be improved; but we likewise know, that the West India proprietors as a body do not reside in the Colonies; they reside in this country. Certainly not one in ten, or, indeed, I might be within the mark if I said there is not one in fifty, who does not stand on the wrong side of the account, and that has been unfortunately the case for many years past. This state of things they conceive to be referable to the acts of the British Legislature; but whether that opinion be well founded, or the contrary, they should go shares with us in every attempt to improve their own condition. To come, however, to the observations of the noble Lord; he tells us that the present is a most favourable opportunity for equalizing the duties on Foreign

and Colonial sugar. But I hope the House will recollect how fully it is admitted that the difference of price between sugars of the same quality, one being Foreign, and the other Colonial, is about 10*s.* 6*d.*; when the noble Lord sets it down at 7*s.* 6*d.* I believe that he understates it; but assuming that it is now 7*s.*, let us recollect how recently the difference was 17*s.* per cwt., though both sugars were of the same intrinsic value; and this state of the markets had been in a great degree the prevailing state during the last six or seven years; and previous to that time West India sugars of corresponding qualities with Foreign sugars were often charged at double the price of the Foreign sugars. It was at one time said that a stand ought to be made at 20*s.* per cwt. protecting duty. Don't let it be now said that in laying on 10*s.* duty we are endeavouring to maintain a monopoly. There is a severe and heavy pressure upon the West Indian interest; but I do say that, in the mode by which we are endeavouring to lower the premium upon the production of West Indian sugar, we are giving every motive to the practice of economy—every motive to the spirited and enterprising employment of capital—every motive for the judicious and effective employment of machinery with a view to the production of a better and a cheaper article; and we are anxious, in common with the noble Lord, to reduce within the most moderate limits the burden which the people of England bear in connexion with this article. I will not on this occasion take up the time of the House by going into the general question of an equalization of the duties; for you are now called upon to deal with circumstances which have grown up around you—you have to deal with difficulties of your own creation; and I would entreat of you, in dealing with them, to bear in mind how readily the noble Lord admits that his measure would produce some temporary inconvenience—some fleeting evil—that it would, in short, give some encouragement to the Slave Trade. Does any one doubt that this would give a fatal shock to the West India interest? Wherever we are to have trade, let us take care to have it where there is no risk; let us have it where there are natural supplies of raw material, where there is a judicious employment of machinery and active employment of capital. But these principles of legislation cannot be without reserve applied to our West India Colonies; for,

with reference to their produce, they come before us with a special plea, for they say with perfect truth and justice, that they have to compete with causes of which you are the creators; that non-residence prevents a wise economy—prevents an employment of the best methods of cultivation; that it produces scarcity of labour; and that the employment of negro labour has been rendered much more expensive and less productive by the abolition of slavery.

Mr. *Labouchere* would detain the House only for a few moments; but having so often had occasion to address the House on the subject of the Sugar Duties, he was unwilling to let the present occasion pass without offering a few observations. He did not conceive that the present was the occasion to discuss the scheme of Her Majesty's Government—a scheme to which he had great objections. He rejoiced that the Motion of his noble Friend the Member for the City of London would afford him an early opportunity of stating his objections to that plan. At present he should only say this, that one of his objections to the scheme was, that it was not only intrinsically bad in many respects, but that instead of bringing the Sugar Duties to a point of greatly diminished protection, it would, by aggravating the protection that already existed, greatly increase the difficulty of dealing with the question in future, even on the principles which the right hon. Member for Newark laid down. But he conceived that the question now was, whether the House would at once completely and effectually substitute for the present system of differential duties a system of perfect equality between the sugar of our own Colonies and that of other countries. That was the question, fairly stated by the hon. Member for Manchester, and his noble Friend the Member for Sunderland; because he agreed that if it could be considered in any other light than a proposition for a sudden and immediate change, nothing could be more unwise than that Parliament should condemn the difference of duties, and not proceed to equalize them. This would introduce universal confusion, and paralyse all the branches of the sugar trade. The House must treat the Motion as one to equalize the duties upon Foreign and Colonial sugar. He was bound to say on this occasion—such being the

question before the House—that he did not think that would be a wise course to pursue, and, entertaining that opinion, he could not be a party to putting in force such a Resolution. He was unwilling to detain the House with his reasons for this opinion; the more especially because, although he would not shrink from avowing his sentiments, it was painful to him to argue against those Gentlemen with whom he generally agreed. He quite agreed with them, that the general danger in that House was not that protection would be suddenly withdrawn—not that protection would be diminished too much, but that protection should be kept on too long, and should be exaggerated in a manner mischievous to the country, and even to the protected interests themselves. It was, therefore, with no pleasure that he argued against the Motion of his hon. Friend the Member for Manchester. But opposing that Motion, he felt it his duty to the House as well as to his constituents, to declare his opinion upon it. It was now proposed to them that they should substitute for the present system, which was practically one of complete exclusion and monopoly, one of complete free trade. In dealing with great interests, precipitation should be avoided. If they looked to the most celebrated writers on political economy, from Adam Smith to Mr. McCulloch, they would find that they all concurred in this, that in applying the principle of their system, the greatest circumspection and caution should be used. Since he (Mr. Labouchere) had been in that House, he had often listened to the most distinguished statesmen, from Mr. Huskisson down to the present day, and had never heard a contrary opinion expressed by any public man whose name carried any great weight with it. If they looked at the practice of the world in legislating on these matters, he knew no country that ever pursued a course of suddenly and completely removing a long-existing protection. Whether, therefore, he looked to authority or the practical bearing of the matter upon the present condition of the country, he could not bring himself to believe that the interests of trade, or the general interests of the country, would be benefited by now pursuing a course of this description. If he were asked to apply these general principles to the question before the House, he should say;

that there was, in the present position of the West Indies, looking to the situation in which they now were, and to the course of legislation pursued towards them, every reason why, if these principles were in themselves just and reasonable, they should be applied to the West Indies. He never would, however, deal with a Colonial interest—though he was himself unprotected in every way, and had no interest whatever in the Colonies which were protected—he never would consent to deal with the Colonial interest more harshly and abruptly than with an interest existing in this country. Being of opinion that these were just views and principles applied to trade in general, he was not prepared to adopt any other view, or take any other course in regard to Colonial interests. It was not necessary for him to trouble the House at greater length on the present occasion, as he had merely risen to state that he should feel bound to pursue that course on this question which he had always formerly pursued when it was before the House; and however much he regretted any part which Her Majesty's Government should take tending to increase protection, he was not at the same time prepared to give his vote for the Motion of the hon. Gentleman the Member for Manchester for suddenly equalizing the duties on Foreign and Colonial sugars.

Mr. *Cobden* said, that he had taken some pains to justify himself, as the present was a question on which he had suffered some little obloquy some months ago. He had made inquiries in the city, and found that the proposal of the Government was Mr. Miles's proposition over again. They had not only got the Measure of last year, but they had got something worse. Now he had been rather ill-used in this matter. The right hon. Baronet was disposed to have a flirtation with the free traders' principles, and for a time they had been charmed with the constancy of his attachment. Now, if the right hon. Baronet went back to his first love, he must not expect to pass muster for a free trader. The right hon. Baronet had done something in the way of fiscal changes. He had taken money from the pockets of the people by the Income Tax, and restored something to them in the shape of cotton and glass duties. But on the whole, speaking as a free trader, with the Government Sugar Measures

forming part of the scheme before him, he believed that they stood in a worse position now, as regarded protective duties, than they stood in last year. He did not know that he had any branch of the question before the House to refer to, except that which had been alluded to; and when it was said that they were anxious to evade the question, he meant that branch of it which had reference to the question of slavery. The noble Lord the Member for London had been charged with having attributed motives to the hon. Gentlemen opposite. Now he (Mr. Cobden) would not attribute motives to them; nothing, in fact, was so difficult to discover. But although he himself would not charge any motives upon them, he might do the hon. Gentlemen opposite some service if he told them what were the motives which the people out of doors attributed to them. A great deal had that night been said of Sir T. Buxton and the Anti-Slavery party; and hon. Gentlemen thought that, holding these duties under the plea that by so doing they were preventing slavery, they were sure of conciliating the support of the Anti-Slavery body. In that they were most grievously mistaken. As a body, he respected the Anti-Slavery party, and he had made some acquaintance with many of the most influential members of that body which had fought and won the Anti-Slavery battle. The very same men, in all parts of the country, who fought and had won that battle, were now in the ranks of the Corn Law repealers. They had in London, it was true, a committee sitting in Broad-street and in Lombard-street; and of all localities, he was most ready to suspect committees sitting either in Broad-street or in Lombard-street. Over these they might have some influence; but he could tell hon. Gentlemen opposite, that by the great body of the Anti-Slavery party they were suspected, and that that party regarded them as hypocrites. He did not charge them with being so. He was only telling them what was the feeling out of doors. Now let them look at whom they represented, and who they were who were represented on that (the Opposition) side of the House. The Anti-Slavery party, when it existed in its strength, had exercised a power over the acts of that House, and had its representatives in that House; and where then were its head-quarters? In Manchester, Kendal, Leeds, Bath, &c.;

and were the Members of these constituencies now on his side of the House, or on the other? By whom were the men representing these constituencies sent there? By that body to which the Anti-Slavery party belonged. Let them take the case of Leeds, in which they were divided, in which the hon. Gentleman opposite had one representative, and they (the Opposition) another. And who sent the Member which hon. Gentlemen opposite claimed as their own? and who the Member on his side of the House—who? Why, the Conservative Member represented the party opposed to the abolition of slavery; the Liberal Member represented the Anti-Slavery party. He would ask the hon. Member for Bath—although he was afraid the hon. and learned Gentleman was suffering from a severe cold, and could not answer—were the Anti-Slavery people of Bath anxious to keep up the discriminating duty—to tax the poor people of Somersetshire to put down slavery? They repudiated such a notion. He would venture to say that the great body of them would support the hon. and learned Gentleman when he went to the hustings, after having voted against this attempt to tax the sugar of the people. Well, seeing these facts, if the Ministerialists were the parties opposed to emancipation—if they were the parties who had voted even against the abolition of the punishment of women by the lash—and some of their very leaders recorded their votes against the abolition of that revolting practice—seeing that they never lent a hand to carry out that object—why, the last deputation which came to London in 1838, consisting of 230 Members, had not six of the Tory party amongst them—he believed not three; and on asking his friend, Mr. George Thompson, about it, he was informed by that gentleman that he thought there was not even one; seeing these things, he could not refrain from telling them the honest conviction of the people out of doors, who regarded their conduct as utter hypocrisy, in setting up such a plea in that House. He did not charge them with hypocrisy. He showed them that there was certainly some argument on his side, when he could show them that very questionable motives were charged upon them by the people out of doors. Parties out of doors spoke out, and it was important that hon. Gentlemen should know what was the opinion held of them, and what motives

were attributed to them out of doors. As regarded foreigners, too, they should know these things; and he could tell them honestly that they were by foreigners suspected in this matter, and it was known to foreigners that they were suspected by parties at home. Their own statements convicted them in this matter. The hon. Gentleman the Member for Cumberland, in the same breath in which he argued the necessity and propriety of putting down slavery and the Slave Trade, admitted that the West India planters could not compete with slavery, and that the Government must not take off the differential duty, for that they could not carry on the business of sugar making if they were compelled to compete with the labour of slaves. What said foreigners of such language as that? They put their arguments in juxtaposition, and compared them with one another. What said Mr. Calhoun, in a correspondence intended for history—what did he say? He openly accused Her Majesty's Government of hypocrisy. In Brazil the same opinion was entertained—in Madrid and Cuba they were openly proclaimed to be hypocrites, who, under the pretence of putting an end to slavery, were only preserving their cherished monopolies. Hon. Gentlemen had assumed that they could not carry on the business of making sugar in competition with slavery, and the hon. Gentlemen the Member for Cumberland asked very innocently how they (the manufacturers) would like to carry on their manufactures in Manchester and other places against competitors abroad who paid no wages to their workmen, that was to say, against those who stole the work of their fellow-beings without any remuneration. He could tell that hon. Gentleman that let their workmen have none but gangs of slaves to compete with, and he would guarantee them the market of the world. Was there ever seen so monstrous an absurdity as to suppose that a slave community could possibly compete with a nation of freemen. The very nature of slavery precluded those economical arrangements on which cheapness and facility of production depended. What did slavery involve? Why, the absence of all independent labourers. What did that imply? It was necessary that each planter should keep on his establishment a sufficient number of workmen of every description to carry on their business. If a sugar maker required casks, it was necessary that he

should have those upon his estate who could supply him with casks. As he wanted occasionally to send his casks to the wharfs, it was necessary that he should keep the necessary number of waggons and waggoners to serve his purpose. He must thus provide himself with everything, keeping men, cattle and implements for twelve months, perhaps, and requiring them only once. In such a state of society, which precluded the division of labour, would anybody tell him that against such a state of society free labour could not contend? They had heard that night some of the assumptions of their opponents. A great deal of assumption had pervaded many of the speeches which had been delivered, especially that of the right hon. Gentleman (Mr. Gladstone), who had addressed them from behind the Treasury Benches. That right hon. Gentleman assumed that if they equalised the duty, they would assuredly bring ruin upon the Colonies. What they thus assumed he undertook to say was a bold and audacious fallacy. He altogether denied their premises. Had they not disproof of them in the case of Manila and Java? If these countries could sell sugar in Holland and in England in opposition to the Brazils, why should not the West India Colonies sell in opposition to the Brazils also? Many hon. Gentlemen appeared in that House *in formâ pauperis*, asking for the means of enabling them to carry on their business. But before the House doled out money to those Gentlemen, it would be but right to investigate their accounts. Let it be seen first how they carried on their business. If all they heard were true, nothing could be more wasteful than the extravagant and improvident system of mismanagement which prevailed on the West India estates. He had heard great fault attributed to the workmen. He very much feared the blame lay wholly with the masters. The workmen were now labouring for a shilling a day. The noble Lord the Member for Sunderland, led on by a remark which fell from some hon. Gentleman on the opposite side of the House, had given them 2s. a day. But he had that very day received advices from Jamaica, and he found that 1s. a day was the average rate of wages. [Mr. James: Half-a-crown a day is the highest.] Half-a-crown the highest? He could show the hon. Gentleman that he was right, and the hon. Gentleman wrong by an extract from one of the latest Ja-

maica papers. He had a copy of the *Jamaica Times*—and the hon. Gentleman could not believe that that paper would publish an erroneous statement of a fact, the falsity of which could be so easily detected on the spot—and in that paper he found it stated that when labour was done by the day, 1s. and 1s. 3d. was the standard rate of wages for first-class hands. But job and task work was now very general, and it appeared the most satisfactory to all parties. That was not a bad description of workmen who liked job work instead of day work. The whole matter lay with the masters. If the House would allow him—and he would not occupy their attention long, nor would he trouble them with extracts which were unimportant—he would read some passages from a private letter lately sent over from Jamaica, and he might premise that a copy of the letter was in the hands of the Under Secretary for the Colonies, who knew the party from whom it came, and a copy of it also was in the hands of the hon. Gentleman the Member for Weymouth (Mr. Bernal), who had been so struck with the details afforded by it that he requested a copy of it. As the letter was a private one, and contained private accounts, he would not read the names mentioned in it, but every one who chose might see these names. The Gentleman who had written it was resident in Jamaica, and he would read them a description of how things were managed in that island. The writer gave this description with respect to the evils of non-residence on the part of West Indian proprietors. He says:—

“I grant you that an absentee proprietor can never expect to get anything out of his estates; first, the attorney, then the overseer, then the bookkeepers, and though last not least, the merchants in Kingston must have their portions before a single shilling can be remitted to the proprietor in England. Let that proprietor, however, come out and look after his own business, and a very different result would very soon be apparent. My friend Mr.—, resided in England, and his estate was bringing him into debt year after year; he came out, made 110 hogsheads of sugar and sixty puncheons of rum, purchased stock and repaired his buildings for 1,100*l.*; after the crop was sold and all expenses paid, he had lived out of the estate, and cleared 1,000*l.*”

The writer further says:—

“Mr.—, (a creole and a man of colour)

sub-leases at an increased rent from Mr. —, for 850*l*. Without any pecuniary assistance whatever beyond about 100*l*. he had saved as an overseer, and some money received from negroes, he made 110 hogsheds of sugar, with the usual proportion of rum, and after maintaining himself and family he had a surplus of 600*l*., and this in the face of drought."

Another case is that of Mr. —,

"Who" (the writer says) "shipped ninety hogsheds of sugar, and the usual (one-third) quantity of rum, at a total outlay, from first to last, of 900*l*. sterling, including the expense of living like a gentleman."

He perceived that his hon. Friend the Member for Cumberland's mouth watered at descriptions like these. He would read him another, and he hoped his hon. Friend would profit by it:—

"Mr. —, who has, by adhering to a principle which he laid down some five years ago of confining his cultivation to the quantity of land which he could properly manure, made a small fortune out of — estate in St. Thomas in the Vale, and which was considered one of the poorest in the district."

He had other cases to adduce to them still—and he saw that the mouth of the hon. Gentleman (the Member for Cumberland) quite watered at the details and descriptions furnished to the House. If the hon. Gentleman would allow him, he would read another case; and he trusted that the hon. Gentleman, who would not only hear it, but might afterwards see and read it for himself, would learn to profit by it:—

"Mr. —, who lives like a gentleman, and is a good planter, leases property, which had been sinking money for years, at a rental of twenty tons of sugar per annum. He has this year made 100 hhds., and will clear 800*l*. sterling."

Another case was that of—

"Mr. — (who came here as a clerk some few years ago), purchased an estate for 60,000*l*. which had for many years been sinking money for the proprietors. He spent 4,000*l*. in putting it in order, imported two or three Scotch agricultural labourers, began with the plough, and worked horses instead of oxen: he assures me that if we only have moderate October seasons, he will clear 2,000*l*. this year, after every expense; and further says, that if he resided on the property, he could effect a saving of 500*l*. per annum. Yet notwithstanding this, all the surrounding estates belonging to absentees are sinking money, and many it is said, must be thrown up."

Now, if the hon. Gentleman would listen,

he would read the concluding passage, which would furnish him a hint:—

"The radical vice in our system is, we have too much land; if proprietors would only cultivate what they can properly manure they would do well, but they grasp at large fields, and an overseer must boast to his attorney that he has sixty, eighty, or 100 acres in plants. Where he tells the attorney that he had only fifteen, twenty, or twenty-five acres, but that he was properly manuring them, and keeping down expenditure, he would get his "ticket," as lazy and incompetent; and thus it is, always has been and, I fear, ever will be. If the absentee proprietor does not choose to come and look after his estate he must be victimized; I say nothing of many instances of abuses which have lately been exposed. It is not for me to speak of the faults of others, but, knowing what I have stated to be true, how can I join in the cry that we are ruined?"

He thought there was enough in the series of quotations he had just read the House—coming from the authority from which they did—and the Under Secretary for the Colonies, who had applied for a copy of it, was well aware of the importance of the value of the communication—to prove to the House how much the whole matter still lay with masters and owners. It was enough to make one pause, and consider whether they should not find by and by, as they were beginning to find in the case of agriculture at home, that this protection to sugar was just as great a bane as protection had proved to corn in their own country. The free traders had always found that their strongest position as Corn Law repealers, was on the agricultural ground in England; and he would undertake to say that if any one examined and maintained the West India question well, he would find that the strongest ground for advocating the repeal of protection on sugar, would be that of benefiting the Colonies themselves. He would not then enter into further arguments in reference to the question. The hon. Gentlemen opposite, however, must not console themselves with the idea that their present plan was to be a settlement of the question. Let them look out of doors. Had the principle of free trade been progressing or retrograding during the last year? The adherents of free trade were by some hon. Gentlemen called violent men. He would wish they would have the goodness to recollect who it was who were represented by the Corn Law repealers in that House.

Did they call the City of London a violent body of men? There was not a house in the city of London which had not a vote; that city had been plied and tested on the question whether it would stand up for protection or free trade. Upon that question the opposite parties had contended; and he would just ask the hon. Gentleman the Member for Huntingdon to tell the House which party had won. The protectionists dared not to go to Manchester, to South Lancashire, or to the West Riding of Yorkshire to test their opinions. They had there in that House, among the violent men the Representatives of the great towns; and what were they but the exponents of public opinion? In comparison with them, what were the pocket boroughs of their opponents? They might depend upon it, that when they had only these to walk out into the lobby with them, they would find no Minister who would have the courage to attempt to carry out the present system, when he had nothing to depend on but a numerical majority of pocket-boroughs. Now, whatever their vote might be, it would not be a settlement of the question. He asked the West India interest—he asked them—if it would not be better for them to be free from the incumbrance of protection? They had now come down to a protecting duty of 10s. 6d. What was it? He could tell what the West Indies wanted. They wanted more capital—they wanted it in the shape of railroads—they wanted people to invest money amongst them; but the people never invested money where there were protecting duties. On Thursday week, however, he should have something more to say to them on the subject. See how miserably low Macclesfield had fallen under protection. Now he said again, no one would go to Jamaica for the purpose of investing money; for as long as they had a protected interest there, they would have no confidence in it. At the close of the last Session there was between both sides of that House a sort of rivalry upon that which they called “the condition of England question.” Now, there were some people who argued that sugar was not wholesome; the children of the poor were told by their parents, that if they went to the cupboard to look for it they would find “Old Bogey” there. It was because it was so dear, it was said it would spoil their teeth, that it would injure their stomachs. Never was there a

greater mistake. There was no more nutritious food. Second to bread itself, there was no one thing that it was more fitting that the people should have in a great quantity than sugar, and yet they in that House deprived the people of that comfort. They all professed a great love for the people—they professed to be wonderfully charitable—they all professed a great tenderness for the poor, as long as the question they had to deal with was not a money question; but when it was, then the landlords and the sugar lords both combined together upon corn and sugar, and put their hands into the pockets of the poor people. What would be thought of those who did this? What said of them? That there they were, noble Lords and hon. Members, professing their regard for the poor, declaring their willingness to serve them, but when it came to the test—when it came to be a question of protection—when it came even to the small difference of a penny in the price of a pound of sugar—then they threw the poor and their families to the winds, and stood by their party.

Mr. Cardwell would trespass but shortly on the time of the House, and confine himself to replying to observations that bore directly on the subject of debate, abstaining from those extraneous topics which it appeared to him had been unnecessarily introduced into the discussion. The noble Lord the Member for Sunderland had called it a stale trick of the Treasury Bench to meet free-trade notions by the general allegation that they were founded on abstract principles, and had no practical object in view. If it were a stale device, the fault did not rest with the Treasury Bench; for it was—he did not say a stale device, but certainly by no means an infrequent practice, on the other side, to bring forward sweeping Motions founded upon principles which in the abstract they knew were not disputed—motions on which they relied because they carried with them a certain amount of plausibility, and threw upon their opponents the necessity of entering into the complicated relations of our commercial system, and bringing forward the less obvious and superficial, but sounder and more pertinent arguments supplied by a practical application of circumstances, facts, and figures. The Motion before the House was a broad assertion of free-trade doctrines in their bearing upon the commodity

of sugar. What right had hon. Gentleman opposite thus broadly to apply these principles to Colonies that laboured under special disadvantages which they had themselves imposed? It was all very fine for hon. Gentlemen and noble Lords to descant to the West Indians, in glowing terms, on the superiority of free labour. The world was growing older—and he hoped they might see the day when free labour should assert its superiority, and slave labour disappear from the market. But that was notoriously not the case now with the West Indies as compared with Cuba. And what right had the hon. Member for Wolverhampton to come down and taunt his right hon. Friend the Vice-President of the Board of Trade with having gone to a pigeon-hole for papers, and having dealt in official commonplace, —when his own speech was made up of such vague and inapt generalities as these? It was all very well to say that slavery had been the bane of the West Indies. Probably it had,—but who established it? And again, it was easy to assert that the abolition of that bane had been a blessing. Did the free traders mean to deny that the West Indians were competent judges of their own affairs,—or did they dispute the falling off in produce that followed the termination of apprenticeship? Well, but the West Indians said, and they might justly say,—for he was now arguing to please hon. Members opposite, on principles of free trade, and discarding the question of humanity—“give us a fair start,—re-establish slavery, re-enact the Slave Trade,—and on equal terms we will not fear to compete with Cuba, or any other country under heaven.” [An hon. Member: “The twenty millions.”] If they could only be put into the situation in which they were when Parliament began to meddle with them, no doubt they would cheerfully repay to Parliament the seventeen millions they had received. But we had imposed upon them, they said, great disadvantages. God forbid, that he should find fault with that, for no man had sympathized more warmly than himself in the great struggle for negro emancipation. But he did assert that on free-trade principles you must give both sides fair play. We had placed the Colonies at a disadvantage, first, by the imposition of slavery; next, by the sudden abolition of slavery: and now with professions of free trade hon. Members called on those who carried weight to run an equal race with those who carried none. And to make the injustice worse, the bur-

den was one which they themselves imposed. Thus then stood the case, as one of abstract principle. Did it stand any better as one of practical expediency? There was no famine of sugar. Since the termination of apprenticeship in 1838, the price had never been so low. The noble Lord had stated it as low as 26s. the cwt. The demand was fully met from the ordinary sources of supply. Now, the noble Lord founded upon that fact an argument that the present was an excellent opportunity, and that if the change were now made, the planter would be able to supply the market, and need not apprehend a fall in price. He confessed that he was not able to follow the noble Lord through that argument, neither could he understand how, if there was to be no fall in the price of West Indian sugars, and no introduction of Foreign sugars, either the condition of England question could be affected, or Her Majesty's Exchequer benefited. It did appear to him that if there were no fall in price and no foreign importation, there would be no relief to the consumer, and the Revenue would derive no possible advantage. But he believed that from free labour we should obtain, under the present measure, an increased importation and a fall of price. He contended that the supply from the Mauritius would be greatly increased; the East India produce they knew had also been increased, the cultivation in Java had largely increased before the new stimulus was given to it, and he had no doubt that from all these sources we should receive an ample supply. Then what was the present condition of the West Indies? The hon. Member who had just sat down, had stated that job work was beginning to be general, and that this was an excellent sign; the hon. Gentleman the Member for Wolverhampton said that there never were such excellent prospects for the planter as there were this year; and the noble Lord the Member for Sunderland, grew quite poetical when he declared that where there was slavery there was always waste, that Demerara would bid defiance to competition; and though he admitted that some evils existed in the West Indies, they would readily beat all competitors out of the field. If these anticipations were correct, there could be no doubt of an ample supply; and perhaps, if they continued the present system a little longer, the West Indies might beat all competitors out of the field; but those who were the advo-

cates of free trade did not know their own principles if they thought the depression of the West Indies would have no effect upon the price of sugar. He was looking only to the commercial and financial view of this question. Let them suppose the supply from the West Indies seriously reduced, and that our supply depended upon Cuba and the Brazils. He would not go so far as to suggest that if these countries had the monopoly they would tax the consumers here by an export duty levied there; but suppose they put the West Indian produce out of the market of the world, did hon. Gentlemen conceive that the calculations they had made would be true? While we were admitting Cuba sugar with the left hand, we were putting down the Slave Trade with the right: We boasted we were doing this successfully. But if the Slave Trade were checked, the growth of slave-grown sugar would not increase. If, therefore, we depressed the Colonies, we should, in fact, diminish the whole amount of sugar grown in the world; and the ultimate result must be a rise, and not a fall, of price. If, however, the progress in our Colonies were not stopped, there would, he believed, be a great increase in the produce of the sugar of the world, and a great consequent reduction in price. He believed that the calculations of hon. Gentlemen opposite rested almost wholly on an erroneous consideration of the commercial part of the subject. Good evidence had been referred to of the increase which had taken place in the produce of the East as well as in our own Colonies, so that he believed sugar would attain a fair price, that it would be derived from sources wholly unobjectionable, and would tend to our financial and commercial advantage. The hon. Member who had last addressed the House, had introduced topics to which he need scarcely advert; but he did think that when imputations were intended they should be plainly and openly made, rather than any hon. Member should imply imputations by referring to what he heard out of doors. If he rightly understood the observations of the hon. Member, people out of doors would call them hypocrites, and the hon. Member gave this rather extraordinary reason for his belief; he said: "I know, by experience, that among 300 persons who formed a deputation against slavery in 1833, there was not one Tory, and those who then joined in that cry, now join with me in the cry for cheap

sugar." Let these 300 Gentlemen reflect whether if the public out of doors came to imputing motives and to calling names, they might not be as likely to fasten the charge of hypocrisy on those who said "no slavery" then, and cry "cheap sugar" now, as those who were consistently improving our commercial system, and at the same time giving as much security as possible to invested capital. But it was said—and here was the great argument for the proposition of the hon. Member for Manchester—"only equalize your duties, and you will have a permanent settlement, and capital will flow into your Colonies, which will be of great advantage." It might be so, but then it might happen that by this equalization it would be discovered they had greatly increased the Slave Trade; and then might be again raised the Anti-Slavery cry from the very Gentlemen who now cried out for cheap sugar. There was no room for a permanent arrangement except on principle, and hon. Gentlemen would never get this country to agree to an equalization of duties in slave-grown and in free-grown sugars. If it could be shown that there was an increasing supply to be derived from unobjectionable sources—if the price of sugar were lower than it had been since the abolition of slavery—if the supply was equal to the demand—and if they were able to do all this without any injury to existing interests, that arrangement was more likely to be permanent than if they subscribed to the arguments addressed to the House by hon. Gentlemen opposite; and, in spite of the reference which had been made to the large constituencies, and the appeal to what was said to be the opinion of the public, he did not believe that the principles advocated by those hon. Gentlemen would be sanctioned either by the people at large, or by the exclusively commercial portions of the community.

Mr. *Bright* said, the hon. Member who had last sat down had taken upon himself to assert that the proposition submitted to the House by his hon. Friend was of an abstract character. There was, however, some evidence that some hon. Members did think it something more than an abstract Motion. The hon. Member for Cumberland, who was himself a West India proprietor, he had not seen in the House, to the best of his recollection, since the Sugar Duties were under discussion last year; and if, as he understood, the hon. Member came from a distant capital of Europe to

be present at that discussion, it did not appear to be an abstract proposition. The right hon. Gentleman the late Vice President of the Board of Trade did not consider it an abstract question, for he had shown some extraordinary symptoms of resuscitation; and the right hon. Gentleman the Chancellor of the Exchequer had, throughout the discussion, displayed a countenance of more than usual solemnity. He maintained that the present proposition was the most plain, and the most easily understood, of any that had ever been submitted to that House, or to any branch of the Legislature. The proposition before the House was—legislation with respect to the Sugar Duties could not be satisfactory—that was to the great body of the people of this country—and that it could not be permanent to the planters and the producers of sugar, unless the duties on Foreign and Colonial sugars were equalised. He maintained that by their protection to the sugars of the East Indies, the West Indies, and the Mauritius, they were taking from the people of this country a large annual tax which was not paid into the Exchequer of the Queen, but was paid—so far as it was not lost to everybody—into the pockets of the planters. Now, there was a remarkable coyness whenever they talked of these pocket interests. The hon. Member for Sheffield was about to move for a Select Committee to inquire into the burdens upon land—that Committee would not be granted—noble Lords and hon. Landowners were afraid to go before a Committee with their statements, and have them examined; and so it was with the hon. Gentlemen connected with the West Indies, they did not like to have their statements examined. He had that morning been looking over the speech which the right hon. Baronet made on opening what he called his financial statement. In that speech he found the right hon. Baronet stated that the whole amount of sugar he expected from the West Indies during the present year was 140,000 cwts.; from the East Indies, 70,000 cwts.; and from the Mauritius, 40,000 cwts.; making in the whole an expected supply, during the present year, of 250,000 cwts. It was acknowledged that the object of the Government plan was to give 10s. 6d. a cwt. protective duty. Now, what was the meaning of a protective duty? Was it to raise the price by that amount in favour of the planters, or was it not? The hon. Members for Cumberland and Bristol took

the proposition according to its natural meaning; they could not be persuaded to take it in a non-natural sense. They took it to mean that the price of sugar was to be raised in the home market 10s. 6d. higher than if there were no protective duty. Now, the exports of West India sugar to this country were stated to be 140,000 tons per annum. This, raised by the duty ten guineas a ton, put 1,470,000*l.* per annum into the pockets of the West India planters. The exports from the East Indies were 70,000 tons per annum; which at the same rate of increase, added 735,000*l.* per annum. The exports from the Mauritius were 40,000 tons, which, at the same rate, added 420,000*l.* per annum, the total being 2,625,000*l.* per annum. Now, at the same time that this was going on, our exports to the West Indies were considerably under 3,000,000*l.* per annum, and according to what he had just stated, we were about to vote to the West India planters 1,470,000*l.*, or more than the half of the whole manufactures of Great Britain consumed by the West Indies. Again, while we were about to vote the Mauritius 420,000*l.* by this measure, the whole of the exports of British manufactures to that Colony in 1843 were only 258,014*l.* It was quite true that the right hon. Gentleman the late President of the Board of Trade, loosened as he was from the shackles which bound men while in official station, had told them that he had no claim to make to protection for the Mauritius and the East Indies; yet what he had just stated was the real state of the case. The only pretext set up for protection as regarded the West Indies was the price and the scarcity of labour there. This plea, at least, could not apply to the Mauritius, where there was as great an abundance of labour as in Dorsetshire; and with respect to the East Indies they had the authority of the Chancellor of the Exchequer last year, that there was no country in the world whose soil, climate, and population gave it so great an advantage in the growth and production of sugar as the East Indies. So that the pretext of deficiency of labour could not apply there. But they were not merely called on for these extra payments to the West Indies, the East Indies, and the Mauritius; they were also called on to sacrifice the Brazil market for the export trade of manufactures, which, in the existing state of the manufacturing districts was a serious matter. The returns of that trade for the

year 1841-42 showed that exports were for that year 2,500,000*l.*, of which 1,500,000*l.* alone consisted of the cotton manufactures of this country. Of the importance of that trade to this country—although there were many in that House ready to depreciate it—the right hon. Gentleman had spoken in strong terms when introducing his financial statement. He had not overrated it. Yet here were we about not only to endanger, but almost inevitably to destroy, an export trade to the extent of 1,500,000*l.* Where were the reciprocity principles of Gentlemen opposite? The Brazilians were ready to take our goods if we would take their sugars. It was sometimes complained that other countries would not meet our free trade advances. Yet the Brazilians were ready to adopt the principle of reciprocity. But all was sacrificed when class interests were interfered with. But the strongest argument he had heard adduced on the question, was that which arose out of the reduced cultivation of the produce of the West India islands, notwithstanding all the protection they had enjoyed. This had been going on for many years past. In the year 1821, the West Indies shipped cotton to this country to the extent of 5,855,000*lb.* In 1840, nineteen years afterwards, their exports had dwindled down to 866,000*lb.*; in fact, their whole cotton exports did not amount to more than 12,000 or 15,000 bales in the year. In 1821, on the other hand, the United States shipped to this country 116,000,000*lb.* of cotton, and in 1840 their export had increased to 514,000,000*lb.* During this period, the West Indies enjoyed a prohibitory protection duty on sugar, and a very considerable protection on cotton. The United States, without any protection whatever on the raw material, made this enormous increase in their exports; while the West Indies, with all their protection, had so greatly diminished. Again, with respect to sugar. From 1830 to 1835, the exports from the West Indies to this country were 3,735,819 cwt.; while from 1837 to 1842, they were 3,868,500 cwt. So that at best, the production of sugar there, under their extraordinary protection, was stationary, if it did not retrograde. Yet this was the very article specially protected by legislative interference! The reduction in the production of coffee had been great. From 1830 to 1835, the average exports of coffee from the West Indies were 20,837,000*lb.*, while in 1842 they amounted to only 16,618,000 *lb.* So that in cotton

there had been an absolute decrease; in sugar no progress; and in coffee the production had absolutely retrograded, under the protective duties, to the extent of not less than 20 per cent. But this system of protection not only thus acted as a sort of opiate to these West India gentlemen; it also converted them into everlasting grumblers. There was, indeed, no protected interest whatever that did not come annually to Parliament to beg the Legislature to interfere in some way or other. The other day, he was looking over some petitions presented some forty or fifty years ago from the West India colonists; they were extraordinary in their complaints, and extraordinary, too, in some of their remedies. One of them prayed, on the ground of humanity, that the Slave Trade and slavery might not be done away with. They had altered their opinion, it seemed, in that respect, though they had not altered their opinion of the advantage of protection. In the year 1807, the Glasgow planters prayed for a protection for rum, by the exclusion of brandy and other foreign liquors, or at least the imposition of a higher duty. In 1825, the same parties asked for a sliding scale of duties on coffee. He hoped it was some satisfaction to them to find that this Government was now on a sliding scale; and for his part, he hoped it would be a downward slide as far as monopoly went. The right. hon. Baronet at the head of the Government, and Lord Elgin, the Governor of Jamaica, appeared to be both in the same position in one respect. Each seemed to be a sort of dry-nurse to agriculture. The right hon. Baronet was sometimes surrounded, he was glad to see, by Dr. Buckland and other able men who encouraged the application of science to agriculture, and they all knew the present he had himself made to the farmers in his own neighbourhood. Lord Elgin, in the same way, not long since, made a speech in Jamaica, in which he expressed his hope that his government would be signalized in after-times as the period in which the plough was employed in the cultivation of the island of Jamaica. Now, why was all this coaxing of the land-owners and the planters? Why, because they were perpetually coming to that House and asking to have laws made to raise prices and protect them, and by so much to injure the consumer, and to the destruction of that energy and of those pushing qualities by which alone men could hope to prosper. The Vice-Presi-

dent of the Board of Trade had spoken of the effect which the abolition of slavery had produced in the West Indies. That statement amounted to the fact that labour was deficient. Why, Jamaica had been peopled by Europeans during 300 years. For 200 years, from 1656, it had been in the possession of this country. There had been not only the natural population, but also an addition of some hundreds of thousands of negroes from Africa; yet the population was said to be insufficient for the cultivation of the island. The reason was simple. It was, that during the existence of slavery, those men who now professed so much affection for the negroes, so tortured them and so treated them that, instead of increasing, they had diminished in numbers. This point, however, had already been sufficiently insisted on. He now asked the right hon. Baronet and the Chancellor of the Exchequer on what principle it was they proposed the protection to the East Indies and the Mauritius. There could be no paltry excuse of a deficiency of labour there, yet the reason for protection had never been explained to the British public. He was inclined to view the matter in a very simple form. He knew hon. Members were disinclined to see questions viewed in that way; indeed, the right hon. Baronet had been pleased to term some remarks of his, on a former night, "vituperative." He thought the only reason why they were considered vituperative was, that they really could not easily be misunderstood. He held in his hand a pamphlet which was supposed to be written by the right hon. Gentleman the late President of the Board of Trade; if it were not written by him, he would be able easily to correct the impression. It was entitled, "*A Vindication of Ministers against the Supposition that they had attacked the West India Interest*;" and the extract he would read was an important one:—

"Now, it is worth while for a moment to consider who are the Members of this Administration, which is supposed to have pursued a course of so much severity towards the colonists of the West Indies. Of Sir Robert Peel it may be sufficient to say, in this place, that he has always acted with that party in the State which has been deemed most friendly to the Colonial interests. Among his colleagues in the Cabinet there are three, and three only, who can be said to have a special and departmental concern with the question of the Sugar Duties, namely, the Colonial Secretary, the Chancellor of the Exchequer, and the Presi-

dent of the Board of Trade. But Lord Stanley made himself remarkable, in 1833, not more by the masculine vigour which he applied to conducting through Parliament the great and difficult measure of Abolition, than for the courage and high-minded fidelity with which he exerted himself to procure the recognition of the claims of the then proprietors of slaves to liberal dealing on the part of the British people; and it is supposed to be an opinion not a little prevalent among the West Indian colonists, that he was the only man who had at that period both the disposition and the ability that were necessary in order to procure for them the grant of 20,000,000*l.* Next, Mr. Goulburn is himself a Jamaica proprietor, and Mr. Gladstone, the father of the President of the Board of Trade, is an owner of estates in that island, and is likewise a proprietor of sugar works in Bengal. It therefore appears, at least, that if the Ministry have done injustice to the West Indians and the other British producers of sugar, they have gone astray in the direction opposite to that of their party connexions, their ancient reminiscences, and their personal and family interests."

Now it was not to be wondered at, if the late President of the Board of Trade had published such a pamphlet, that the public should be led to suspect that Gentlemen sitting opposite should be the supporters of this sugar monopoly, or that they should think that public ends, and public justice, and public rights, were forgotten; and that private ends, and private interests, and—but he would not say private rights, were held by them to be more important than those public interests and rights. Those who thought and felt as he did with respect to the sugar monopoly, maintained that it was hurtful to the people, hurtful to the Colonies, but most of all, hurtful and disparaging to the character of those public men by whom it was thus prolonged. Was it not lamentable to hear such a man as the hon. Member for Clitheroe compelled to bring forward such a lame, such a paltry defence on behalf of the sugar monopoly? He recollected when Mr. Huskisson brought forward, in 1824, his celebrated resolution for lowering the protecting duty on silks, gloves, and other articles of foreign manufacture, the right hon. Baronet opposite (Sir R. Peel) showed great courage in assenting to the change, which destroyed for the Spitalfields weavers and the manufacturers of gloves the exclusive possession of the English market. Why could he not show as much courage in dealing with the great sugar growers as he had done with the little silk weavers? Were the Spitalfields weavers to have no protection, and

were the sugar producers to be continued in their monopoly? The right hon. Baronet pursued a similar course in 1842. He then, in proposing his new Tariff, stated as the basis of his future policy, that he thought the best way of proceeding was, to buy in the cheapest market and to sell in the dearest. In the last few days the right hon. Baronet had again, in bringing forward his financial project, stated, with respect to the great coalowners, that he had no sympathy with a monopoly which restricted the production of coal in order to enhance its price to the London consumers, and he took upon himself to lecture the coal interest upon this proceeding. Was not the right hon. Baronet making himself a party to a monopoly, by restricting the consumption of sugar to narrow limits; and did not this monopoly extend to Ireland and Scotland, as well as to England? Was it not a monopoly affecting an article not such as coal, but one which was universally admitted to be amongst the prime necessities of life? The right hon. Baronet the Home Secretary, the other night, in bringing forward his Bill for the alteration of the Law of Settlement, took occasion to state that one-tenth of the whole population of England were paupers—that was to say, that every one person in ten was a pauper; and he also said, that since the year 1815, no less a sum than 200,000,000*l.* had been raised for the relief of the poor. Was it not a subject well worthy of inquiry, as to whether there was not some principle at work in the institutions of the country which compelled the land to raise and expend these sums, whilst it pauperized the country? He warned the House against adopting a system of legislation on private interests. He protested against a system like that which the right hon. Baronet followed, and the whole tendency of which was to cripple trade and commerce,—a system which debarred the people from an article of prime necessity, and which put 2,000,000*l.* annually into the pockets of the planters at the expense of the consumers,—a system which entailed great evils on the Colonies themselves, and which was the main barrier of another and a still greater monopoly—that of the food of the people of England. It was not remarkable, nor could it at all surprise him, that the corn and sugar monopolists wished a debate such as the present to close. He believed there had not been a single hon. Member who had risen on his side of the House with any hope of sooth-

ing the monopolists by his observations. They were another sort of men altogether. They had other purposes in view. Their object was, to expose the injustice that had been endured for so many years at the hands of the monopolists. They had proclaimed that injustice out of doors, and they would not expose it with less freedom within those walls. It must not be supposed they were there for the purposes of the monopolists, or for their own purposes. They were there in the service of the people; and if the right hon. Baronet and his supporters did as they ought, he was sure not an individual on the other side of the House would stand up and defend acts of injustice of which they ought to be ashamed. He knew very well that, on a division, he should be one of a small minority; but he called upon the other side to recollect other questions upon which, with as small a minority as that which he expected the result of the division would show, a signal success had shortly after followed. Only three years before the Minister came down to that House with the proposal for emancipating the negroes, the Jamaica papers had proclaimed the Abolition party to be dead, and described their efforts as the last struggles of an expiring faction. The free traders in corn were swelling the ranks of the Opposition, whilst the adherents of the right hon. Baronet were deserting him fast; and although he expected to be in a minority on that occasion, he should shortly again meet the right hon. Baronet, and then he would again propose to him the question why he taxed the whole population of the kingdom to the amount of 2,000,000*l.* per annum for the benefit of the planters. He could not imagine how the Government could suppose it was doing its duty, when it was acting in a manner so manifestly against the interests of the people, by the measure before the House.

The *Chancellor of the Exchequer* said, that many different reasons had combined to prevent him from addressing the House on the present question. One of those reasons he admitted to have been the reason which had influenced the noble Lord the Member for Bath—and he would not have addressed the House at all if he had not been anxious to say a very few words in answer to some of the observations of the hon. Member opposite. He was desirous, for many reasons, to reserve the statement of his opinions until the whole subject was before the House on the Motion of the noble Lord. The present sub-

ject appeared to him to be entirely exhausted. And if he wanted a proof of it, that proof had been offered by the speech of the hon. Gentleman who had just sat down—who had wandered from the immediate question before the House into every possible topic. But the hon. Gentleman had imputed to him that he was actuated in his opinions on this subject by feelings of selfishness—by the circumstance of his possessing certain property in sugar plantations. To that influence the hon. Gentleman had ascribed his support of the differential duties which were proposed by Government on Foreign and Colonial sugar. He hoped, and he believed, that if the hon. Gentleman had known more of the course he had taken in that House, he would not have brought such a charge against him. He could appeal to many of those who were opposed to him in general politics whether his conduct was fairly open to any such imputation. He would not refer further to the observations of the hon. Gentleman. He knew how easy it was to throw out such imputations. On questions involving personal and private interests, such charges might very easily be brought against any man. He would not further allude to them. But, in the course of his speech, the hon. Gentleman had proved two things. First, he had proved that there had been a gradual progress towards reduction of the duties on sugar; and, secondly, that since the abolition of slavery, the property of the West Indian planter had been much diminished in value. The abolition had led to a diminution of labour, and Parliament had imposed upon the sugar growers a difficulty which entitled them to some protection. The hon. Member for Stockport had quoted a letter from Jamaica, in which it would appear that the writer contemplated a speedy fortune and a rapid increase of prosperity. He had seen that letter, and he begged to ask the hon. Member for Stockport why he had not read its opening paragraph? All the calculations of that letter—all the prospect of fortune and prosperity held out in it, were founded upon the supposition, contained in its first paragraph, that there was a protective duty of 10s. Upon that ground, and upon that alone, this Jamaica planter had argued for the prospect of fortune and prosperity. [Mr. Cobden said, the letter referred to the state of things last

year.] Yes; but the hon. Member had applied it in the present debate to the proposed scale of the Sugar Duties, and he had totally kept out of view this opening paragraph. However, he should only apologize at present, for not having taken part in the discussion. He had not abstained from so doing because of any unwillingness, but he had been actuated partly by a desire to have the whole question mooted before the House.

Viscount Sandon would not detain the House many minutes; but one argument had been so often pressed upon the House in favour of this Motion, that he was desirous of answering it. It had again and again been asked, what right had they to tax the people of this country to the extent of two or three millions? Now, he wanted to know upon what basis this calculation rested. Why, it was founded upon the amount of differential duties imposed upon Foreign and Colonial sugar. The difference in amount between those sugars was taken as the measure of the increase of price paid by the people of this country; and this calculation was put forward by men who professed to be very learned in the principles of political economy—who passed themselves off as the *illuminati* on all questions of this nature—but never had an argument been put forward more destitute of common sense or common philosophy. How stood the facts? The difference in the duties on Foreign and Colonial sugar was the difference between 24s. and 63s.; but what was the difference in price between the two articles? The noble Lord the Member for Sunderland had told them, the difference in price between Foreign and Colonial sugar at the present moment was 7s.; and yet the difference between the respective duties was seriously put forward as the same as the difference in price. Was 7s. the difference between the duties? No. The difference between the duties was the difference between 24s. and 63s.; and that latter difference has been always made the basis of calculating the amount of tax imposed upon the consumers in this country. The differential duties had nothing to do with the price of the commodity. The price of the commodity was alone determined by the supply and the demand, and if the supply from the West Indies were increased, the price would proportionally diminish. This was the true principle which regulated

the price of the article, and this plain and simple principle had yet to be taught to the learned economists on the other side of the House. Away, then, said he, with the fallacy of reckoning the increase of price by the difference between the respective duties. He had been anxious to expose the obvious error which had been so often repeated by the political economists, and which by them had been used as an argument to persuade the people of this country to withdraw all protection from their West Indian Colonies.

The House divided on the question that the words proposed to be left out, stand part of the question:—Ayes 211; Noes 84: Majority 127.

List of the AYES.

A'Court, Capt.
Adderley, C. B.
Ainsworth, P.
Alford, Visct.
Allix, J. P.
Antrobus, E.
Arbuthnot, hn. H.
Archdall, Capt. M.
Arkwright, G.
Arundel and Surrey,
Earl of
Astell, W.
Bagot, hon. W.
Bailey, J. Jun.
Baillie, Col.
Baillie, H. J.
Baird, W.
Barclay, D.
Baring, rt. hon. F. T.
Baring, T.
Barneby, J.
Baskerville, T. B. M.
Beckett, W.
Bentinck, Lord G.
Berkeley, hn. G. F.
Blackstone, W. S.
Blakemore, R.
Bodkin, W. H.
Boldero, H. G.
Borthwick, P.
Botfield, B.
Bowles, Adm.
Bramston, T. W.
Brisco, M.
Broadley, H.
Brownrigg, J. S.
Bruce, Lord E.
Buller, Sir J. Y.
Burroughes, H. N.
Cardwell, E.
Charteris, hon. F.
Cholmondeley, hn. H.
Clayton, R. R.
Clerk, rt. hn. Sir G.
Clifton, J. T.
Clive, Visct.
Clive, hon. R. H.
Cockburn, rt. hn. Sir G.
Coddington, Sir W.
Colquhoun, J. C.
Colville, C. R.
Connolly, Col.
Corry, rt. hon. H.
Courtney, Lord
Cripps, W.
Darby, G.
Denison, E. B.
Dickinson, F. H.
Dodd, G.
Douglas, Sir H.
Douglas, J. D. S.
Drummond, H. H.
Dugdale, W. S.
Duncombe, hon. O.
East, J. B.
Egerton, W. T.
Egerton, Sir P.
Emlyn, Visct.
Entwistle, W.
Farnham, E. B.
Fitzmaurice, hon. W.
Fitzroy, hon. H.
Flower, Sir J.
Forbes, W.
Fox, S. L.
Fremantle, rt. hn. Sir T.
Fuller, A. E.
Gladstone, rt. hn. W. E.
Gladstone, Capt.
Godson, R.
Gordon, hon. Capt.
Goring, C.
Goulburn, rt. hon. H.
Graham, rt. hn. Sir J.
Granby, Marq. of
Greenall, P.
Greene, T.
Gregory, W. H.
Grogan, E.
Hale, R. B.

Halford, Sir H.
Hamilton, W. J.
Hamilton, Lord C.
Hanmer, Sir J.
Harcourt, G. G.
Harris, hon. Capt.
Hayes, Sir E.
Heneage, G. H. W.
Henley, J. W.
Hepburn, Sir T. B.
Herbert, rt. hon. S.
Hillsborough, Earl of
Hinde, J. H.
Hobhouse, rt. hon. Sir J.
Hodgson, F.
Hogg, J. W.
Hope, hon. C.
Hope, A.
Hope, G. W.
Hughes, W. B.
Hussey, T.
Ingestre, Visct.
Irton, S.
James, W.
James, Sir W. C.
Jermyn, Earl
Jocelyn, Visct.
Johnstone, H.
Jones, Capt.
Kemble, H.
Labouchere, rt. hn. H.
Lambton, H.
Law, hon. C. E.
Lawson, A.
Legh, G. C.
Lennox, Lord A.
Leslie, C. P.
Lincoln, Earl of
Lockhart, W.
Lowther, Sir J. H.
Lowther, hon. Col.
Lygon, hon. Gen.
McGeachy, F. A.
Mackenzie, T.
Mackenzie, W. F.
Mackinnon, W. A.
Macnamara, Major
McNeill, D.
Mainwaring, T.
Manners, Lord C. S.
Manners, Lord J.
Marsham, Visct.
Martin, C. W.
Martin, T. B.
Masterman, J.
Maxwell, hon. J. P.
Meynell, Capt.
Miles, P. W. S.
Miles, W.
Milnes, R. M.
Morgan, O.
Mundy, E. M.
Newdegate, C. N.
Newport, Visct.
Newry, Visct.
Nicholl, right hon. J.
Northland, Visct.
O'Brien, A. S.
Owen, Sir J.
Packe, C. W.
Pakington, J. S.
Patten, J. W.
Peel, rt. hn. Sir R.
Peel, J.
Pennant, hon. Col.
Plumptre, J. P.
Polhill, F.
Praed, W. T.
Pringle, A.
Reid, Sir J. R.
Repton, G. W. J.
Round, J.
Rous, hon. Capt.
Rushbrooke, Col.
Russell, Lord J.
Russell, C.
Ryder, hon. G. D.
Sanderson, R.
Sandon, Visct.
Sibthorp, Col.
Smith, A.
Smith, rt. hn. T. B. C.
Smythe, hon. G.
Somerset, Lord G.
Sotheron, T. H. S.
Stanton, W. H.
Stewart, J.
Stuart, H.
Sutton, hon. H. M.
Talbot, C. R. M.
Taylor, E.
Taylor, J. A.
Tennent, J. E.
Thornhill, G.
Tollemache, J.
Trench, Sir F. W.
Trevor, hon. G. R.
Trollope, Sir J.
Trotter, J.
Tyrell, Sir J. T.
Vane, Lord H.
Waddington, H. S.
Walsh, Sir J. B.
Wellesley, Lord C.
Winnington, Sir T. E.
Wodehouse, E.
Wood, Col.
Wood, Col. T.
Wortley, hon. J. S.
Wortley, hon. J. S.
Wyndham, Col. C.
Yorke, hon. E. T.

TELLERS.

Baring, H.
Young, J.

List of the NOES.

Aglionby, H. A.
Aldam, W.
Barnard, E. G.
Berkeley, hon. H. F.

Blewitt, R. J.	Langston, J. H.
Bowring, Dr.	Leveson, Lord
Bright, J.	Macaulay, rt. hn. T.B.
Brotherton, J.	Marshall, W.
Buller, C.	Martin, J.
Buller, E.	Mitcalfe, H.
Busfield, W.	Mitchell, T. A.
Cobden, R.	Morris, D.
Colborne, hon. W.N.R.	Morison, Gen.
Colebrooke, Sir T. E.	Napier, Sir C.
Collett, J.	O'Connell, M. J.
Craig, W. G.	Ord, W.
Crawford, W. S.	Osborne, R.
Currie, R.	Paget, Col.
Dalmeny, Lord	Pattison, J.
Dennistoun, J.	Philips, M.
Duke, Sir J.	Plumridge, Capt.
Duncan, Visct.	Ponsonby, hn. C.F.A.C.
Duncannon, G.	Pulsford, R.
Duncannon, Visct.	Ricardo, J. L.
Duncombe, T.	Roebuck, J. A.
Dundas, F.	Ross, D. R.
Dundas, D.	Russell, Lord E.
Easthope, Sir J.	Somerville, Sir W. M.
Ebrington, Visct.	Stansfield, W. R. C.
Ellis, W.	Stuart, W. V.
Evans, W.	Strickland, Sir G.
Ewart, W.	Strutt, E.
Fitzroy, Lord C.	Thornely, T.
Fox, C. R.	Trelawny, J. S.
Gill, T.	Turner, E.
Gisborne, T.	Villiers, hon. C.
Gore, hon. R.	Wakley, T.
Guest, Sir J.	Walker, R.
Hawes, B.	Warburton, H.
Hayter, W. G.	Ward, H. G.
Hindley, C.	Watson, W. H.
Holland, R.	Wawn, J. T.
Horsman, E.	
Howard, hn. E. G. G.	TELLERS.
Howick, Visct.	Gibson, T. M.
Humphrey, Ald.	Bouverie, E.

Order of the Day read, and the Committee deferred.

House adjourned at a quarter to one o'clock.

HOUSE OF LORDS,

Tuesday, February 25, 1845.

MINUTES.] PETITIONS PRESENTED. By Earl Fitzwilliam, from Inhabitants of Brough, and 5 other places, for adopting Measures for the Suppression of Intemperance.—By Lord Brougham, from Presbytery of Chanonry, for Improving the Condition of Schoolmasters (Scotland).

COMMISSIONERS IN BANKRUPTCY.] Lord Campbell inquired when the noble and learned Lord (Lord Brougham) intended to present the petition respecting the Commissioners in Bankruptcy? It contained grave charges against those learned individuals, which ought not to be allowed to be kept in suspense.

VOL. LXXVII. { Third Series }

Lord Brougham said, he had postponed the presentation of the petition, in order that the Commissioners themselves might have an opportunity of tendering an explanation. If the Returns now on the Table should satisfy him that since he had given his notice they had attended more to their business, that might preclude the necessity of entering into discussion on the subject. He would, however, present the petition on any day that might suit his noble and learned Friend on the Wool-sack.

The Lord Chancellor said, that his noble and learned Friend had better suit his own convenience as to the presentation of the petition. He had felt it his duty to communicate to those gentlemen holding judicial situations the purport of the petition, in order that they might have an opportunity for explanation. They had made an explanation to him, which he considered entirely satisfactory; and he would put it to his noble and learned Friend, whether it would be quite prudent to discuss the conduct of gentlemen holding judicial situations unless he was quite satisfied that the charges were correct.

Lord Brougham: If his noble and learned Friend was quite satisfied, he could only say that none of the suitors were.

The Lord Chancellor: A good deal must be left to the Judges themselves.

Lord Brougham: What! if they only sit two or three days a week?

The Lord Chancellor was not speaking as to the precise number of days or hours they might sit; but they state that they sit a sufficient number of hours for the due despatch of business.

Lord Brougham was at issue with them on that point.

House adjourned.

HOUSE OF COMMONS,

Tuesday, February 25, 1845.

MINUTES.] NEW WRIT.—For Shaftesbury, v. Lord Howard, now Earl of Effingham.

BILLS. Public.—1°. Thames Navigation Debt; Physic and Surgery; Bastardy; Colleges of Physicians and Surgeons.

Private.—1°. Huddersfield and Manchester Railway and Canal; Manchester South Junction and Altrincham Railway; Caledonian Railway; Monkland and Kirkintilloch Railway; Glasgow, Dumfries, and Carlisle Railway; Nottingham Waterworks; Great Grimsby and Sheffield Junction Railway.

2°. Cockermouth and Workington Railway; Sparrows Herne Road; Chester and Birkenhead Railway Extension.

PETITIONS PRESENTED. By Mr. Cripps, from Cirencester, against the Renewal of the Income Tax.—By Sir John M^{rs} Taggart, from Stranraer, against Alteration of Law relating to Banking (Scotland).—By Mr. Owen Stanley, from Bodedern, and 5 places in the county of Anglesey, in favour of the County Courts Bill (1844).—By Viscount Mahon, from Medical Practitioners of County of Hertford, for regulating the Medical Practice.—By Mr. Dickinson, from Physicians and others of the Northern Division of County of Stafford, Mr. Wakley, from 4 places in the County of Southampton, Sir Thomas Warrington, from Stourport, and Colonel T. Wood, from Chelsea and Kensington, for Alteration of the Medical Practice Bill (1844).—By Mr. S. Crawford, from Rochdale, against Introduction of Poor Law Amendment Act into that place.—By Viscount Jocelyn, from Guardians of Dundalk Union, for Relief from Payment of Loan Poor Relief (Ireland) Act.—By Mr. Brotherton, from Oswaldtwistle, and by Mr. O. Stanley, from 2 places in the County of Anglesey, for diminishing the number of Public Houses.—By Mr. Ferrand, and Mr. Wakley, from Parish of St. Mary, Lambeth, for Redemption of Tolls on Waterloo and other Bridges.

RAILWAY CONSOLIDATION.] House in Committee upon the Railway Clauses Consolidation Bill.

On Clause 10, which limits the deviation from the datum line described on sections being proposed,

Colonel *Sibthorp* said, he wished to point out the great disregard which had been shown for the rights of owners of land in this Bill. The Bill provided that a deviation might be made of a hundred yards from the projected line. Now a deviation of such an extent might completely destroy the value of a piece of land, the subdivision of which the owner never contemplated when he gave his consent to the line running through his property. There was an appeal to the Board of Trade, but that was, in his opinion, all nonsense.

Mr. *Aglionby* said, that when he first came into that House he had sat on many Committees, and had foolishly believed that the railway companies were actuated solely by a public spirit; but he had since then become wiser. He was glad, therefore, that the gallant Officer opposite had brought the rights of the public before the Committee. The railway companies were large and powerful bodies, and could protect themselves: but the landowners, though very powerful in their own way, had not the same means, and were often sufferers. But there was one class whom nobody protected. He meant the public. This Bill was most shamefully negligent of the rights of the people. Before the construction of railways the people possessed their full right to the use of the public ways. There was no right more ancient or better established.

But no sooner was a railway projected than it unhesitatingly interfered with every right the public possessed; too often crossing and destroying their ways to the public markets; and, where it did not destroy, very often interfering to a serious extent of inconvenience; and none of those who had charge of these public ways had any power of preventing the interruption. He would be told by the advocates of railways that they were of the greatest public utility, and that minor considerations must give way to them. Why should passengers be put to such inconvenience? Let all ways be put upon the same footing, but he hoped that foot passengers would be equally protected as others were. With the view of giving better protection to them, he proposed to strike out the words "carriage road," and substitute "highway," so as to include footways as well as horse roads.

Lord *G. Somerset* could not consent to the proposed addition, which he thought would too much extend the scope of the Act. He by no means intended that an existing railway company coming before Parliament with their own capital and own resources to ask for further powers, should be obliged to obtain a Bill which should contain all the provisions in this Act.

Colonel *Sibthorp* entirely disapproved of the constitution of the Board of Trade, and of the powers intrusted to it. He looked upon the Act as a humbug altogether. The public interest was not at all regarded. Footpaths ought to be attended to as well as carriage roads.

Mr. *Henley* said, that better provision ought to be made for the preservation of footways, and driftways, and the tracks by which large droves of cattle were accustomed to be driven, and as it was a matter of great public convenience he should divide with the hon. Member for Cocker mouth.

The Committee divided on the question, that the words proposed to be left out stand part of the Bill:—Ayes 17, Noes 23: Majority 6.

List of the AYES.

Bentinck, Lord G.	Hughes, W. B.
Boldero, H. G.	Irton, S.
Clerk, rt. hn. Sir G.	Jermyn, E.
Gill, T.	McNeill, D.
Gladstone, rt. hn. W. E.	Martin, C. W.
Halford, Sir H.	Newport, Visct.

Somerset, Lord G.	Wallace, R.
Thornely, T.	TELLERS.
Thornhill, G.	Hayter, W. G.
Trotter, J.	Entwisle, W.

List of the NOES.

Aldam, W.	Maule, rt. hon. F.
Bodkin, W. H.	Mitcalfe, H.
Copeland, Ald.	Morrison, J.
Craig, W. G.	Sibthorp, Col.
Douglas, J. D. S.	Sotheron, T. H. S.
Egerton, W. T.	Stansfield, W. R. C.
Ferguson, Sir R. A.	Stanton, W. H.
Hawes, B.	Strickland, Sir G.
Henley, J. W.	Trelawny, J. S.
Hepburn, Sir T. B.	Wawn, J. T.
Johnstone, H.	TELLERS.
Jolliffe, Sir W. G. H.	Aglionby, H. A.
Loch, J.	Wodehouse, E.

The clause as amended was agreed to.

Upon Clause 11, "power to the owners of adjoining lands to appeal to the Board of Trade against deviation from datum line," being proposed,

Colonel *Sibthorp* objected to the obligation upon the companies to advertise in the newspapers notice of their intended deviation being limited to one paper only circulating in the district where such deviation was to be made. Some gentlemen saw one paper and others saw another, and the object of publicity would not be gained. Why should they not give notice in the London papers? He had a great respect for them all, though they did attack him sometimes.

Lord *G. Somerset* did not think the proposition of the hon. and gallant Member would effect his own object. Some persons in the country did not see the London papers at all, and of those who did, some saw the *Times*, others the *Chronicle*, and others the *Standard*, in the same way as the hon. and gallant Member had remarked of the provincial papers. Was it necessary to advertise in all?

Mr. *Hawes* said, that by Clause 10, it was provided that no deviation should be made by the companies without the consent of the owners and occupiers of the land having been first obtained. Then by Clause 11, the owner of any land affected might appeal to the Board of Trade, who would have the power to set aside the arrangement that had before been made. Now, upon what ground was this power to be given to the Board of Trade? Here was an arrangement guarded by not only the consent of the owners having

been first obtained, but by the consent of certain public functionaries, the Trustees or Commissioners, or Justices of the Peace, and yet the Board of Trade was to be invested with power to upset the whole decision. So that any one owner or occupier might re-open the whole question before a secret and irresponsible tribunal.

Lord *G. Somerset* thought that if the consent only of the parties owning the land was required, the justice of the case would not be met. This was a most important clause, and its object was to protect small proprietors and residents near the line, who would have no other means of protection, and it was necessary such persons should have the power of appeal.

Mr. *Hayter* viewed the clause as a benefit to the public, and adverse to the interest of companies, as it enabled the Board of Trade to prevent a deviation being made, even after a consent had been obtained from owners.

Mr. *Tatton Egerton* supported the clause as being a benefit to small proprietors, who would otherwise have no power of protecting themselves, and he thought it right they should have some tribunal to appeal to.

Mr. *Gill* thought the clause was too vaguely worded in regard to the situation of the property of those persons to whom this right of appeal was to be given. The words "lying near to the place of such proposed deviation," expressed nothing. "Near" might mean two hundred yards or a mile, or a quarter of a mile. Some definite distance ought to be fixed. It was well known that landowners threw obstacles in the way of railroads, in order to get a high price for the land.

Lord *Granville Somerset* said, that the clause had been vaguely worded in this respect on purpose to give the Board of Trade a latitude of discretion in judging as to who were really affected or not by the deviation, and as the subject was decidedly to benefit the smaller class of proprietors and occupiers, he thought it important to effect that object that the Board of Trade should have that discretion or scope for judging.

Mr. *Aglionby* thought, that the test which ought to be applied was, whether the land was really or not affected by the deviation, irrespective of its exact distance from the line, and for that purpose he moved to leave out the words in line 15, "lying near to the place of such proposed

deviation, and whose lands shall be ——" so that the clause would by such amendment stand—"It shall be lawful for the owner of any lands affected thereby, &c., to apply to the Board of Trade," without reference to the situation of the land relatively to the railway.

Colonel *Sibthorp* said, that he could not sit there and hear the misrepresentations of the hon. Member for Plymouth as to the small proprietors of land. The hon. Member had said these proprietors had thrown obstacles in the way of railway companies, in order to increase the amount of their compensation. The small land-owners were fully entitled to make the most of their property, but he would deny that they had ever resorted to such means as the hon. Member had intimated. He was inclined to retort the charge on railway companies. They inserted advertisements for the purpose of catching and humbugging the public, stating that the holders of their shares would realise 15 per cent. for their money. The small proprietors of land were never guilty of such conduct.

Mr. *Gill* said, that the hon. and gallant Officer had entirely mistaken him. His reference had been to the large landed proprietors, and not to the small owners. The question was not whether the place was lying near, but whether it was affected by, the deviation from the original line. He would, therefore, propose to strike out the words "lying near," and substitute the words "prejudicially affected;" and that the prejudice to a property and not its neighbourhood should entitle it to compensation.

Mr. *Aglionby* said, that he quite agreed with the hon. Member for Plymouth, for property might be very greatly injured though it was beyond the appointed range of deviation. For instance, a man might build a house commanding a view over the distant country. A railway embankment was raised above the level of the original line, and immediately the house was shut out both from prospect and air. The house which before was worth 200*l.* a year, would now be hardly worth half that sum. Again, he conceived, that if there were to be appeals, the onus of proof ought to lie on the railway companies, for it was an utter impossibility for a small landed proprietor, who resided one hundred or two hundred miles from London, to come all that distance and be

at the expense of bringing his witnesses, and keeping them here during the delay of the Railway Bill before a Committee. He hoped, however, they would not conclude this point at the present moment, but would maturely consider it, and that when it was concluded they would substitute the words which the hon. Member for Plymouth had taken from him, "prejudicially affected" for "lying near."

Mr. *Entwistle* said, that he thought the constitution of appeals to the Board of Trade was good for the railways themselves. By that means they were saved from falling into the hands of an attorney, who hurried them into litigation and disputes for the sake of running up a bill. For these reasons he thought this course of appeal would be better for the companies themselves. The hon. Member for Cockermouth thought that the present wording of the clause limited the facility of appeal, and he entirely agreed with him in the observation.

Lord *G. Somerset*, conceiving the general feeling of the Committee appeared to be in favour of the amendment, he would not offer any opposition.

Mr. *Hawes* objected altogether to the jurisdiction of the Board of Trade, and consequently to the range of appeal being extended. If the Board were to have this new, extensive, secret, and irresponsible power given to them, let it be as definite and narrow as possible. He objected to the clause altogether, but would rather retain it as it was, than adopt the Amendment of the hon. and learned Member for Cockermouth.

Lord *G. Somerset* said, that all that was intended by the clause, was to give relief to parties in cases where it could not otherwise be obtained, and he thought that none better could be proposed than the Board of Trade. The power could not be given to the local magistrates; that was out of the question, and to put it within the jurisdiction of a jury in the courts of law, would involve a much greater expense. This, however, was not the proper time to discuss the general question of the jurisdiction of the Board of Trade.

Mr. *Fox Maule* did not agree with the noble Lord that the present was not a suitable opportunity for discussing the power to be given to the Board of Trade; for little by little, and clause by clause, they were going on to give powers to that

Board. Powers were given not only to the Board of Trade, but powers that were calculated to embarrass the Executive Government of the day — embarrassments that were calculated to lead to the overthrow of any Government. He maintained that the Board of Trade was armed with an irresponsible power. With that Board, as constituted at present, he had no fault to find. It could not be composed of better or more honourable men; but it would be well for Ministers to weigh well the embarrassments they were entailing upon the Executive Government, and the odium to which they would expose it by the course of giving a departmental jurisdiction in matters involving property. It was not for him or any one on his side of the House to say what the tribunal ought to be; but the Government were instituting a dangerous precedent, and if he were not mistaken, not many years, nor even months, would elapse before they would themselves come down to the House to propose an alteration in it.

Mr. *Wallace* wanted to know how the complaining parties were to go before the Board of Trade, and who was to bear the expense; for if his hon. Friends in the "land o' cakes" had to come to the Board of Trade in London, and were to pay their own expenses, he believed that the clause would be rendered nugatory, as it would in the case of all poor persons residing at a distance from the metropolis.

Lord *G. Somerset* said, that persons at a distance could surely write to the Board of Trade. With regard to what had fallen from the right hon. Gentleman the Member for Perth (Mr. *F. Maule*), he must say, that he was quite alive to the evil of mixing up the Executive Government with matters of property. It was an odious power, and one that could only be justified by necessity. That necessity, he contended, however, did now exist. There certainly must be an appeal to some tribunal, and he could not conceive a better one than the Board of Trade. Would the right hon. Gentleman have it decided by the Court of Chancery?

Mr. *Aglionby's* Amendment agreed to.

On the question that the clause do pass

Mr. *Hawes* wished to ask the noble Lord whether he would object to the insertion at the end of the clause of the words "provided always, that the parties interested may appear by themselves or their agents before the said Board of

Trade." He did not, of course, care about the precise words, but he did wish (speaking now without prejudice to any future Motion with regard to the abolition of the tribunal altogether) to know whether words to that effect might not be appended to the clause. What he wanted now to know was, whether the Railway Department of the Board of Trade was to be an open or a secret tribunal; because, if it were to be an open tribunal, of course, a great many of his objections would be removed.

Lord *G. Somerset* said, that the question was one of such great importance that it would be quite impossible for him, even if he had a very definite opinion upon the subject, to answer it at once off-hand. Whatever his own opinion was, he might, perhaps, state that the proposal appeared at first sight to have reason on its side. He thought, that the best plan for the hon. Member to adopt, would be to prepare a specific and distinct clause, containing the whole of his opinions with regard to the Board of Trade tribunal, and to bring it before the whole House. There were certainly not a sufficient number of hon. Members then present to discuss satisfactorily a matter of such importance.

Mr. *F. Maule* concurred that this was a very important question, and must be fairly raised and fully discussed, if the public were ever to have any confidence in the decisions of the Board of Trade, which could not be done at a morning sitting; he should, therefore, recommend his hon. Friend to give his notice of Motion, and to endeavour to make some arrangement with the Government, by which it might be discussed with as little delay as possible.

Mr. *Hawes* said, that he would raise the question on the 47th Clause, and he hoped the noble Lord would give the opportunity for discussing it in a full House. He would in the first place move to omit the 47th Clause, on the ground of objecting to the tribunal of the Board of Trade; and if the noble Lord would give him the benefit of the legal assistance enjoyed by the Government, he (Mr. *Hawes*) would endeavour to frame a clause which should raise the question. Then two propositions would be before the House. The first, whether this tribunal should be created; and secondly, if so, whether it should be a secret or an open tribunal.

Lord *G. Somerset* trusted that the hon. Member would in the meantime consent to

let the clause pass *pro formâ*, and he would promise to consult other authorities upon the subject, and he should then be able to state what course he intended to pursue with reference to this point on Thursday next.

The clause, as amended, agreed to.

House resumed. Committee to sit again.

House adjourned.

The House resumed its sittings at five o'clock.

HOLYHEAD HARBOUR.] Mr. W. O. Stanley wished to ask a question of the right hon. Baronet the First Lord of the Treasury, respecting Holyhead harbour. In the early part of the Session the right hon. Baronet had said—

“With regard to one harbour the Government had come to a decision. They thought it of great importance to improve the harbour of Holyhead, for the purpose of facilitating the intercourse between the two parts of the United Kingdom.”

He wished to ask whether Her Majesty's Government had determined on proposing any grant of money during the present Session for the improvement of that harbour, and whether any plan had been fixed upon?

Sir R. Peel, upon the part of the Government, was most desirous of seeing a line of railway established between Chester and Holyhead, and had given every encouragement to the promoters of that railway. A Bill had been passed last year, with the exception of the railway crossing the Menai Straits, as objections were made to the present bridge being used for that purpose. At present the subject was under the consideration of the Board of Trade and the Admiralty, and he hoped a Bill would soon be produced which would meet the sanction of Government. Retaining the same opinion which the Government had before expressed that Holyhead was the proper channel of communication with Ireland; if that Bill, in its provisions, met the views of the Government, he should be prepared to propose a grant for the improvement of Holyhead harbour in this year's estimates.

COURT OF SESSION—SCOTLAND.] Mr. Wallace rose, in pursuance of notice, to move for leave to bring in a Bill that would enable the Government for the time being to reduce the number of Judges

composing the Court of Session from thirteen to any other number, and to extend the jurisdiction of the stipendiary County Judges, called Sheriffs, by giving them the power of awarding the punishment of transportation, in the event of the Judges in the Court of Session being so reduced. The time had arrived when this reduction ought to take place. There were two divisions of the Supreme Court of Review, or Court of Session, as it was termed. In one of those divisions very little business was transacted. It had been said that his interfering with this subject had been attended with evil effects upon the conduct of the Scotch Courts; but he had good proof that since he had made it his duty to watch these Courts there had been greater attention to the business of the Courts, and that his interference during the last five years had been beneficial. He had before him a comparative view of the business of the First and Second Divisions of the Court of Session since 1841. In the First Division the number of reclaiming notes against the judgments of the Lords Ordinary, was from the 1st of January 1842, to the 1st of January 1843, 204; from the 1st of January 1843, to the 1st of January 1844, 174; from the 1st of January 1844, to the 1st of January 1845, 207. In the Second Division the same description of business was, from the 1st of January 1842, to the 1st of January 1843, 216; from the 1st of January 1843, to the 1st of January 1844, 145; from the 1st of January 1844, to the 1st of January 1845, 82. This showed the opinion entertained, not only by the legal profession in Scotland, but also by the people of that country, of the conduct of the Judges in these two divisions of the Supreme Court. He might mention another description of business transacted in these Courts—namely, incidental applications not followed by litigation. In the First Division these applications were—1842 to 1843, 587; 1843 to 1844, 563; 1844 to 1845, 558; In the Second Division they were:—1842 to 1843, 312; 1843 to 1844, 369; 1844 to 1845, 330. This was an incontestable proof of the opinion of the inhabitants of Scotland as to the merits of these two divisions of the Court, and clearly demonstrated that the Second Division, over which the Lord Justice Clerk presided, had fallen into disrepute. The number of defended causes which had been brought from the Outer House, and which had been enrolled for review before the First and

Second Divisions of the Court of Session since the 12th day of November, 1844, to the 20th of February, 1845, being rather more than three months out of the four which constituted the winter Session of the Court were: defended causes enrolled for review by the First Division, 298; defended causes enrolled for review by the Second Division, 46; showing a difference between the two Courts—which, let it be remembered, had co-ordinate jurisdiction, and had four Judges of the Supreme Court sitting in each—of 252, another incontestable demonstration of public opinion, of more than six to one, in favour of the Judges in the First Division over those in the Second. Formerly similar returns proved that not more than one-fifth of the defended causes enrolled as above found their way to the Inner Houses, or Courts of Review; thus showing that the proportion likely to go to the Second Division for more than three-fourths of the present winter session would be nine causes only. A pretty state of matters for a Court of four Judges of the higher grade and salary, and costing the country not less than 25,000*l.* a-year. The number of causes in a certain period before the First Division had been 323, and in the same period before the Second Division, the number of causes was only twenty. The hon. Member next adverted to a comparative view of the number of stipendiary Judges in England, Wales, Ireland, and Scotland, and read to the House the following document:—

“Abstract of the return of the stipendiary Judges in England, Ireland, and Scotland, respectively, being No. 314, Session 1844:—Calculations to show the proportional number of stipendiary Judges to the population of England and Wales, and of Ireland and Scotland, respectively. The population is taken in round numbers. The population of England being about 16,000,000, and the number of Judges 145; it follows that there is one Judge to every 110,000 souls in England and Wales. In Ireland, the population being about 3,000,000, and the number of Judges 124; it appears there is one Judge to every 64,000 of the Irish people. In Scotland the population is about 2,600,000, and 94 Judges; that is, one Judge to every 27,000 of the people; being one Judge in Scotland to every 27,000, whilst in England you have only one for every 110,000. There is another way of stating the case. In England there are 22 superior Judges, which gives one superior Judge to every 727,000 inhabitants. In Ireland there are 16 superior Judges, which

gives one superior Judge to every 500,000; and in Scotland, 13 superior Judges, which is one for every 200,000 inhabitants. Of inferior Judges, England has 123, which is equal to one inferior Judge to every 130,000. Ireland has 108 inferior Judges, or one to every 74,000 inhabitants: whilst Scotland has 81 inferior Judges, or one inferior Judge to every 32,000 inhabitants. There is still another test of the wasteful expenditure in forcing upon Scotland a number of Judges far beyond the wants and wishes of the people, which is brought out as follows from the above return: The judicial establishment in England, costs 208,976*l.*, showing that for every 1,000 inhabitants, 13*l.* 1*s.* 2½*d.* is expended. In Ireland, the establishment costs 116,087*l.*, being for every 1,000 inhabitants 14*l.* 10*s.* 2½*d.*, whilst Scotland's establishment costs 76,970*l.*, being for every 1,000 inhabitants 29*l.* 12*s.*; being considerably more than double the cost in England, or even in Ireland, and consequently considerably more than for both of these countries put together.”

The above is the result of No. 314 of last Session; but from tables which he had constructed, printed, and circulated from equally authenticated documents, he could prove that the cost to the nation of the judicial establishment of Scotland, in place of being 76,970*l.*, was 170,148*l.*, which would show that for every thousand souls in Scotland, the judicial establishment there, in place of costing 29*l.* 12*s.*, actually amounts to 65*l.* 4*s.* 2*d.* At present the Scotch bar was very much diminished, both in the general number of counsel and in the leaders; some years since he had stated the number of leaders at seven, then it was reduced to five, next to three, and at this moment, independently of the Lord Advocate and the Solicitor General, it had only one, viz., the late Lord Advocate. He objected also to the length of the recesses, and insisted that the Court of Session might be much more fitly denominated the Court of Vacation. With reference to the Jury Courts of Scotland, he must remark that for 20,546 causes decided without the intervention of juries, there were only thirty causes tried by juries. He admitted that the reason why he again brought the subject before the House was, that he had hitherto failed in persuading any Government to afford to Scotland an improved system of criminal jurisprudence. In his opinion much of the present state of crime in Scotland, especially among juvenile offenders, was owing to the fact that they were generally taken before police courts, and inadequately punished with brief periods of imprison-

ment, not exceeding sixty days. This was why Scotland was at this moment overrun by "habit and repute thieves," who were not severely punished until they had committed a certain number of smaller delinquencies, when their offences were accumulated and they were visited for many under one sentence. In England and Ireland the better system enabled criminals to be brought to justice in a short period; whereas in Scotland there was a long delay; and at last the prisoner was only sent to such penitentiaries as that at Perth, which however well conducted, had failed in the effects it was hoped it would produce. Besides, this system did not get rid of those who were in the habit of bringing up and educating young thieves. The speedy punishment of delinquents was extremely advantageous also, inasmuch as it had a powerful effect in deterring others from the commission of crime. In Scotland six or seven months sometimes elapsed between the perpetration of the offence and the conviction of the party. In the city of Edinburgh, it was true, by an old law, they could and did try and convict within a week; and he saw no reason why this rule, with certain modifications, should not be applied to Scotland generally. Another evil was, that parties and witnesses were frequently brought from great distances for the purpose of prosecuting offenders. He would state to the House the number of prisoners tried between the years 1834 and 1840, at the assizes in Glasgow, with the number of witnesses, and the average number of those congregated in Glasgow for eight or ten days at a time, to try criminal cases only, from the three counties of Lanark, Dumbarton, and Renfrew. It was—Prisoners, 1,454; average yearly number, about 242. Witnesses, 14,667; annual average, 2,444. That statement showed the enormous absurdity of collecting all the offenders within three populous counties into one town, and forcing jurymen to leave their homes and their business, over the whole surface of three counties of not less than seventy miles in length; and adding thereto the drudgery, the inconvenience, and the great loss of valuable time, besides the cost incurred by the reckless mode in which the Law Officers of the Crown drag witnesses from every corner of Scotland, to prove the usually enormous proportion of trumpery cases which are chiefly the work, now-a-days, of circuit courts, which,

as to, witnesses, is demonstrated in the above statement as respects assizes held at Glasgow; and all, be it remembered, on criminal cases of an average of 2,444 annually; while, in one of these years, the enormous number of 3,836 witnesses were dragged from their homes, distance some thirty or forty miles, as the case might be, to be called into Court or not, as often happened to many of the witnesses whom the underlings of the Lord Advocate compelled to leave their homes and their families. That something must be done, he was perfectly satisfied. The present system must be altered; and at county meetings it had been frequently declared that the Perth Penitentiary had failed in its design, and that some other course must be adopted to check the increase of crime. He imputed the fault to the system, and not to any want of humane endeavours by the hon. Member for Perth and others to remedy the growing evil. There was at present a great want of confidence throughout Scotland in the Second Division of the Court of Session, which was only looked upon as a stepping-stone for appeals to the House of Lords, which must be remedied. He must urge, too, the expediency of giving Sheriffs of counties in Scotland the power of transportation for offences which would meet with that punishment if the criminals were detained and tried by the Judges of Assize. He believed that such a change would much improve the whole system of criminal jurisprudence. The hon. Member concluded by submitting the following Motion:—

"That Leave be given to bring in a Bill to repeal so much of the Act 1 Will. 4, c. 69, as provides that there shall be thirteen Judges in the Court of Session in Scotland; and to extend the Jurisdiction of the Stipendiary County Judges, called Sheriffs, by giving them the power of awarding the punishment of transportation, in the event of the Judges in the Court of Session being reduced below the number of Thirteen."

The *Lord Advocate* submitted to the House that the hon. Member for Greenock had not made out any case for altering the constitution of the Court of Session. The hon. Member had said that the Court was not satisfactory to Scotland, and being of that opinion, he had with a laudable perseverance from time to time endeavoured to effect an alteration. He, however, would venture to say, that the hon. Member was altogether mistaken, and that the constitution of the Court of Session was not un-

satisfactory. With respect to the Sheriff Courts, the hon. Member had spoken in terms of praise to which he most readily responded. They had performed their duties, both as regarded their civil and criminal jurisdiction, most satisfactorily; nor were the Supreme Courts less satisfactory. In 1840 a Motion similar to the present was urged by the hon. Member, and a Select Committee was appointed to inquire whether any alteration should be made in the constitution of the Supreme Court. A very elaborate investigation took place. The right hon. Gentleman opposite (Mr. F. Maule) was the Chairman of that Committee, and some hon. Gentlemen whom he saw opposite were Members of that Committee. Many witnesses were examined, and the Report made by that Committee unanimously, with the exception of the hon. Gentleman himself was, that it was not expedient to reduce the number of Judges, though it was expedient to make certain suggested alterations in the form of proceeding. These alterations had since been adopted with advantage. One effect of them was to render necessary a fuller oral discussion in the Inner Chamber of the Court, the consequence of which was that each cause that came before those Judges occupied more time in Court. The hon. Gentleman had said that one branch of the business of the Inner Chambers of the Court was to review the judgments given by the single Judges, and that there was a great deal less business in one of the Chambers or Divisions of the Court than in the other. Now, the amount of business in the Courts of the country necessarily fluctuated from accident, the state of the country, and various other circumstances, exclusive of the merits of the Courts. Thus in 1839 and 1840 the number of causes before the Inner Chambers of the Court remaining undecided at the end of the summer Session was smaller than in 1841 and 1842; and if in 1840 the number of Judges had been reduced because the number of causes was smaller than in some previous years, the result would have been that the Courts would have been unable to get through the business. A similar fluctuation might be observed in comparing the business of one Court with that of another. It often happened that one Judge or one Court would get more cases than another, from the fact that there were feelings and impressions among suitors as to the preference to be given to one over another; and practitioners might be of opinion in reference

to certain classes of cases that they should go before particular Judges. At the same time, such preference should in no way disparage any of the other learned Judges. There happened to be at the present time in one of the Chambers of the Court a more fortunate combination of various orders of talent and character than he had witnessed since he had been a practitioner. But that was no disparagement to the eminent Judges who sat in the other Chamber. In 1836, and for five or six years before, the number of cases in the First Division of the Court was, as now, greater than the number in the Second Division. In 1837, and for five or six years thereafter, the reverse was the case—the greatest number was in the Second Division. But the mere circumstance that there was more business in one Court than in another was no evidence against the efficiency of the Court having the least business. It sometimes happened, indeed, that cases were taken into the Court which had fewest cases, because they were deemed deserving of extended inquiry, or were of more than ordinary importance, and that just because that Court had more time to devote to the investigation of them. It so happened that, of cases published in the Reports as of importance to the profession during the years ending in November 1843 and 1844, the larger number were decided by the Second Division. In 1843 there were 108 cases, and in 1844 eighty-eight cases reported in the First Division of the Court; while in the Second Division there were 128 cases in 1843, and 111 in 1844. That was the natural course of events; for if one Division was overpowered with business, cases requiring much time or despatch would flow into the other. He contended, therefore, that no case had been made out by the hon. Member for the reduction of the Second Division of the Court, or of the number of Judges. The hon. Gentleman had complained that the Judges did not devote much time to their duties. Perhaps the House was not aware that from the Report to which he had alluded, it fully appeared that the learned Judges underwent a great deal of labour at their Chambers, and that the number of hours they sat in Court daily was no criterion of the time they devoted to their duties. The Judges began their sittings for the winter on the 1st of November. In the three weeks of the Christmas recess few of them had a single day of rest, with the exception of Christmas Day and the first day of the

year, having civil and criminal cases to dispose of. The spring vacation did not commence till after the middle of March, and then there were the circuits. The Court reassembled in May, and the Session, which should end in July, was generally prolonged for another fortnight, to the 12th of August. Then they went the circuits again, and met on the 1st of November, so that there was scarcely any cessation of business. Having thus dealt with the observations of the hon. Member on the Supreme Civil Court, he would now proceed to notice what had been said in regard to the Criminal Courts. He understood the object of the hon. Member to be to do away with the circuits of the Supreme Judges; and to give the Sheriffs the power of pronouncing sentence of transportation. He agreed with the hon. Member on the importance of discouraging crime; but he differed from him as to the mode of accomplishing that object. But what he had now to deal with more particularly, was the proposition of the hon. Member to give the Sheriffs the power of transportation. He thought the proposal quite unnecessary. At present transportable offences were sent to be tried before the High Court at Edinburgh, and the Circuit Courts; and those not deserving such severe punishment were tried in the inferior Courts, and it rarely happened that the Sheriff exhausted the power of the milder punishment, so that it was not necessary to make the alteration. Did the hon. Member mean to say that the Courts having power to transport could not overtake all the cases to which that punishment was appropriated? The fact was, that they not only overtook all such cases, but many others which they did not consider deserving of so severe a punishment. If they should at any time be found unequal to the task, by the 9th of George IV. the Crown, by an Order in Council, could constitute as many additional circuits as might be necessary. It was not only unnecessary, but it would be injurious to give this new power to the Sheriffs, for thereby thirty odd new Judges would be created, who were separately to exercise their discretion as to this punishment of transportation. By that means the foundation would be laid for a great want of uniformity in the punishment attached to particular offences; and if the hon. Gentleman would give the power to the substitutes as well as to the Sheriffs, it would double the chance of that want of uniformity. The effect of the hon. Gentleman's proposition would be, to give

the power of adjudicating upon high and grave offences punishable by transportation, to persons not educated as Barristers, though very excellently qualified persons for their present duties. The effect of it would also be to deprive prisoners of the aid of Counsel to conduct their defence. At present, no man in Scotland could be tried, subject to the risk of transportation, without being defended by counsel. In the High Court of Justiciary, in Edinburgh, every man could be defended by any counsel he chose to ask for; and, however serious or odious the charge against the delinquent, no counsel at the Bar would refuse. He recollected a case which attracted a good deal of attention in the country, and to which a good deal of odium was attached, in which the junior counsel claimed the assistance of some of their senior brethren, and at once received that assistance from Lord Moncrief, Lord Jeffrey, Lord Cockburn, Lord Robertson, and others. Another ground of objection to the proposition of the hon. Member was the increased expense it would occasion in conducting prosecutions. Unless a case of very great necessity were made out, the proposition could not be justifiably entertained; and he (the Lord Advocate) thought he had shown that there was no necessity for it, and that great evil, instead of any good, would result from its adoption. He therefore hoped that the House would not agree to the Motion.

Mr. *Fox Maule* admitted that the hon. Member for Greenock had always brought the subject forward in a manner that could not give any personal offence. He did not, however, agree with the hon. Member in any of his propositions; and he had combated them so often that it was needless to go over the ground again. As to one part of the hon. Gentleman's Motion, he concurred with the learned Lord Advocate, that if it were granted it would lead to great inconvenience, not to say to much mal-administration of justice in Scotland—he referred to the proposition to give inferior Courts the power of inflicting the punishment of transportation. Those Courts were of the greatest benefit to Scotland, and the gentlemen who presided over them discharged their duties admirably, for which the public were greatly indebted to them; but if they were to be put in the position proposed by the hon. Member for Greenock, duties would be imposed upon them which they could not perform with satisfaction to the pub-

lic. Another point which had been alluded to, he would make an observation upon, namely, the business in the Court of Session. A statement had been made of the disproportion of the cases in the two divisions of the Court of Session. He did not agree in the opinion that such disproportion was altogether a matter of precedent, for he believed it was to be attributed to the fact of the profession having more confidence in the manner in which a certain class of cases would be dealt with in one Court than in the other. He thought that matters should be permitted at present to remain as they were; and if the disproportion of cases continued, it might be a subject for the serious consideration of Government, whether they would not devise some means whereby the First Division of the Court, combining as it did the greater amount of talent, might not be overburdened with business. Whether this might be effected by taking away from parties the power of choosing their own Court, or by a division of the Lords Ordinary, he would not say; but it would be for the Government to consider whether they could not lessen the labour of the First Division in some way, if the discrepancy continued for another Session or two. This was the only observation he wished to make; and for reasons which he had previously and repeatedly stated, he should oppose the Motion of his hon. Friend.

Motion withdrawn.

TREATMENT OF LIBERATED AFRICANS.]

Sir *R. H. Inglis*, in rising to move for the production of Correspondence and Papers relative to liberated Africans, said, that he did not wish to introduce, and he hoped he should be able to avoid, anything which might provoke an angry discussion. He bore no ill-will to those for whose more immediate benefit the removal, or he might say the exportation, of negroes from the coast of Africa to the West Indies had been sanctioned by Her Majesty's Government; and certainly he could not be supposed to bear any ill-will to the other party engaged, namely, the negroes themselves. In the year immediately after the abolition of the Slave Trade, an Order in Council was issued, by the terms of which the case of the negroes had been governed up to the year 1844, namely, "that when landed in any place where there was a Court of Mixed Commission, the slave should be protected

and provided for;" and the Government had acted upon the fair and liberal interpretation of the words which he had quoted to the House. It must be recollected that the slaves were taken upon the high seas with as little regard to their own will as they were taken from the interior of Africa to the coast. It was in the exercise of (if they pleased) a benevolent despotism that the slaver of Spain or of Portugal was captured, and its living cargo transferred from the hold of that vessel to the British Colony of Sierra Leone; the slaves themselves had no voice in selecting the direction in which they should go when taken under the charge of an English officer; they were for the purposes of option and free will as little entitled to the description of free agents as when still in the hold of the slave ship. Now, first of all, the actual sufferings of the slave while at sea were pretty nearly the same in the most favourable case, whether the vessel were commanded by a Spaniard or Portuguese, or had been captured by an English Lieutenant; and in many cases those sufferings were aggravated to a degree which human imagination could scarcely have conceived, if it had not become a matter of history. In the *Narrative of Fifty Days on Board a Slave*, published by the Rev. Pascoe Hill, the horrors described, the perfect accuracy of which was guaranteed by the character of that gentleman, exceeded greatly anything, he believed, which appeared at the time when almost every heart in England—he wished for the sake of England he could say every heart—was desirous of abolishing the trade itself; and those horrors took place under an endeavour to mitigate the evils of the Slave Trade, and they took place almost necessarily, in consequence of storms and adverse winds preventing the early arrival of the vessel at the port of adjudication. It might be asked, perhaps, why he adduced that illustration, when he admitted in the same sentence that these calamities originated, not in any fault of the British officer, but in physical necessity; but he did so, for two reasons, first, because it was far from a solitary instance; and they had it in evidence in the course of the inquiries which were prosecuted two or three years ago, that a large proportion of those who were taken in the slave ships, and intended to be carried for adjudication to the Mixed Commission Court of Sierra Leone, perished in the endeavour to carry them thither. In some

instances the number, as was stated in the Report of the West African Committee, ranged from one-sixth to one-half. But it was not even the mortality, frightful as that was, which would justify the introduction of the subject to the notice of the House; his second reason, and his more direct, more justifiable object, would be, to show to the public the physical condition in which the survivors of the slaves must often be brought into port; and thence to prove how little could such persons be able to exercise, at the instant, any discretion for their own benefit. One of the witnesses examined on the state of the West Coast of Africa, himself for many years a Governor on the coast, Colonel Nicolls said, "I have seen them come out of the ships like ghosts." Mr. Hill's account of their state while in the slaver, and, above all, his account of their condition when landed at the Cape, proved that their condition, dreadful as it was when they were in the midst of the voyage, was, though preferable, still most deplorable as they approached the shores on which they were to be landed. These were the persons who, whether they would or would not, being landed and adjudicated to be free, were to exercise their freedom by going at once to the West Indies. He begged the House to consider that he was not impugning the conduct of any Administration, Whig or Tory. Up to last year the present and preceding Governments had acted upon the principle which he desired to see restored; and the object of his Motion was very earnestly and very respectfully to call upon Her Majesty's Government to reconsider the case, and to review the proclamation which, under the authority of a despatch from the Colonial Department here, the Governor of Sierra Leone issued on the 12th of June in the last year. He had intimated that the condition and sufferings of the negroes when landed at Sierra Leone were such as to render it extremely improbable that persons in such circumstances could exercise a fair and real discretion whether they would remain in Sierra Leone or should migrate to the West Indies. He advisedly used the word "migrate," because he was unwilling to beg the question for the moment by using a phrase which implied the absence of volition, and therefore he would give the benefit of the supposition of its existence, though he believed it could not be exercised. But still, supposing that in ordinary circumstances they were able to exercise the discretion attributed to them in

the despatch of February 10, 1844, and the Governor's proclamation issued under it at Sierra Leone on the 12th of June, 1844, even that could not apply to a large proportion of those who were seized in the holds of slavers. In the particular voyage to which he first referred, the case of the slaver the *Progreso*, in which Mr. Hill was a voluntary witness of the horrors which he had described—and he was glad to have an opportunity of mentioning that that gentleman went as an interpreter, to alleviate the sufferings of those unhappy beings, so far as such assistance could—the proportion of children in the ship was no less than 213 out of 447. In other slavers the proportion, though not so large, was still considerable; in one instance there was a child of six years of age. Now, the proclamation to which he desired to call the special attention of the House was one in which, acting upon the terms of a despatch from the Colonial Office, the Governor required that all persons who had been liberated in Sierra Leone, as soon as such liberation should take place under the adjudication of the competent tribunal, should decide at once whether they would or would not remain in the Colony, and whether they would or would not migrate to the West Indies. He (Sir R. Inglis) contended that it was a perfect mockery to give choice and option to the children, or even to the grown-up men. The Proclamation stated—

"That Lord Stanley has been pleased to notify to us" (his Excellency William Ferguson, and so on), "that liberated Africans landed in this Colony should be apprised, that in case they prefer remaining in this Colony to emigrating to the West Indies, they must provide entirely for themselves; now, therefore, we do hereby publish, promulgate, and proclaim, that all allowances, of whatsoever description, heretofore issued to captured negroes by Her Majesty's Government, on their being landed in this Colony, will discontinue and cease, excepting clothing and maintenance while under adjudication, which will be supplied to them as formerly" (public decency would not allow of their being left in the streets exactly in the state in which they were liberated from the hold), "until they have an opportunity of emigrating to the West Indies, and no longer."

This was found, even by the Governor who issued it, to be too monstrous a proposition (he would not qualify the word) to be carried into execution; for the House would observe, there was no exception either of age or sex; the Proclamation included the child of six years of age as

literally as it included the full-grown and healthy labourer. The governor, therefore, on a representation being made to him, withheld from the operation of the Proclamation, but upon his own responsibility, all children under nine years of age. The hon. Member the Under Secretary for the Colonies (Mr. G. W. Hope) would, no doubt, say, that the despatch, upon the authority of which this Proclamation was issued, did but follow out a portion of the Report of the Committee, which sat upon the affairs of the West Coast of Africa in 1842, of which he (Sir R. Inglis) was a Member, and that he did not take exception to it at the time. He should not be ashamed, indeed he should be very glad, to be able to own that in the year 1845 he could think himself, or be thought by any one else, to be wiser than in 1842; and therefore he did not admit, that even if he had concurred entirely in that passage in the Report, he was so bound thereby as not to be able to lift his voice against it, if on further consideration he should feel it required. The passage ran thus:—

“Your Committee had next to consider whether in achieving this object” (the civilization of Africa, by the removal of negroes to the West Indies, and bringing them back again from the West Indies, with improved habits of order and civilization, and knowledge of agricultural improvements, and so forth), “any danger existed of creating a real, or plausible suspicion of a real, Slave Trade, under another name. Under proper regulations they think there is not. A free passage may be offered to the African already settled within the Colony, and to the free settler or other native, who shall have remained long enough in the Colony to give the authorities sufficient time to ascertain the circumstances under which he came, and to assure themselves that they were entirely free from all suspicion of fraud or force. To such as thus leave their homes a free passage back at the end of a certain period, say three or four years, might be promised, with full permission to them to return at any time at their own expense. To the homeless African, newly liberated, the option should be given of settling at once in the West Indies, if he please, with permission to return hereafter at his own cost, or of removing from Sierra Leone, or of remaining in it on the first adjudication, if he undertake for his own maintenance, or can find friends or relations who will undertake it for him.”

Now he should not have felt unwilling to maintain the accuracy and the justice of the statements, and opinions, and views, recorded in that paragraph, because he might have hoped it was not improbable

that any man reading it would not have adhered so strictly to its literal meaning as not to give to the weaker party the benefit of the fair liberty of interpretation it would bear. Perhaps the Committee did not watch their words as they ought in framing and adopting that Report; it appeared to him now that the passage was susceptible of a meaning which did not occur to him at the time; namely, that instantly upon adjudication the negro should be required to make his election between maintaining himself at Sierra Leone and emigrating to the West Indies. “Homeless,” as that paragraph stated him to be, houseless, naked, without knowing one word of the language of his captors, a stranger in the midst of strangers, without any skill to exercise trade or agriculture, and without any implements or tools of any kind, absolutely without assistance from the Government, or, as it seemed, from any fund or source provided in the Colony itself, he was to decide whether he would or would not starve (he might say) in the Colony, or become a forced labourer in the West Indies. He denied the right of the Government so to fetter the discretion (if such it might be called) of the liberated negroes. It must be recollected, that the Government took upon itself the whole system of dealing with these slaves, leaving no discretion to the slaves. He doubted how far the Government could be said to be at liberty after this engagement to free themselves from the obligations which it imposed. Upon the terms of that compact upwards of 52,000 slaves had been liberated and provided for in Sierra Leone up to the 31st of December, 1842. The expense of this, it was alleged, had been considerable, and they had to consider whether they would retain these unhappy beings in Africa at the cost of this country, or whether they would remove them to the West Indies, where their labour would be profitable. But he might ask his hon. Friend the Under Secretary for the Colonies whether, admitting that the expense had been 12,000*l.* one year, and 9,000*l.* another, or taking it on an average at 10,000*l.* a year, had they not on an average of three years an excess of income over expenditure in the Colony of Sierra Leone? He did not hesitate to say that there was. He did not, however, rest on this point; but, if he understood the engagement which was entered into when the Slave Trade was abolished, it was, that Sierra Leone, and the other places where the courts of adjudication were established, should be con-

stituted as a refuge for the benefit of the liberated African, and not with the view to a profit. The engagement we had entered into was a national one, and was proclaimed under the authority of the King of England in Council, and had been reported in treaties made by our present Sovereign in the exercise of her prerogative. It was not enough to say, therefore, even if it were correct, that this cost was a burden on the revenues of Sierra Leone; make it a burden (if they chose to use that phrase) on the imperial revenues, rather than forfeit the pledge they had made. He knew much had been said at different times against the Colony of Sierra Leone; but he believed from the Report of the Committee to which he had referred, that the evidence, which was of a very mixed character, would show that there had been a larger proportion of persons admitted to the benefits of education in that Colony than in any other country connected with England. The Report stated, that nearly one-fifth of the inhabitants of that Colony were under a course of education. If that were so, surely the founders of that Colony had in some degree discharged their obligation. He believed, that in no part of the world would there be found so large a proportion of persons receiving the benefits of education as there. One of his objections to the course taken by the Government was, that they were interfering with the course of a great experiment. He referred more immediately to the conduct of the Government last year in respect to the schools of Sierra Leone. He had the authority of the letter of an individual who was in the Colony at the time, that not only were the liberated Africans of every age, or of either sex, required "immediately on adjudication either to maintain themselves, or to emigrate to the West Indies; but the liberated African children in all the Government schools were, in June last, by a most peremptory order received from Lord Stanley, required either to emigrate to the West Indies, or to be immediately given out to their country people, the liberated Africans in the villages. The Lieutenant Governor (Ferguson) retained a certain number of the school children under the age of nine years on his own responsibility, until a reply should be received from his Lordship to a letter of remonstrance." Not less than 100 boys and girls were induced under these circumstances to leave their place of education, and to embark on board the *Glen Huntly*, the 4th of July last for Jamaica. He had

not said one word which implied the slightest objection to the free ingress into the West Indies of any man who was really free, whether taken from England, or Germany, or Africa. His objection was to the plan of the Government in making those go there under the semblance of free will who could not exercise any option whatever. They were really acting in the spirit of Dr. Johnson's definition of a *congé d'elire*, which was, throw a man out of a window, and recommend him to fall softly to the ground. It has been stated, that something under 3,000 persons had freely returned to their native countries in the interior. They returned with many advantages derived from the instruction they had received. One of these parties was accompanied by a native clergyman. He never could speak but with feelings of the greatest respect of the conduct of the Wesleyan Missionaries there; but even more strongly might he allude to the proceedings of the Church Missionaries amongst the negro population there. They had not only elevated the character of a large number of the population, but they had raised up three of these liberated persons of colour to the station of ordained ministers of the Church of England. One of these persons, the Rev. Samuel Crowther, who had been Chaplain to the voyage up the Niger, he had the pleasure of being well acquainted with. Now this person and his colleagues had been long accustomed to carry on their labours at Sierra Leone, and they had been, and they might still continue to be highly serviceable to the liberated negroes brought from the coast of the adjoining parts to that colony; or, as in the case of Mr. Crowther himself, to his own people at a distance. He did not wish to prevent any who were arrived at the age of discretion from going to the West Indies; all that he desired was that Her Majesty's Government would be pleased to consider their determination, and to examine the course of action which they and their predecessors had followed. Already on that principle 52,616 Africans had been liberated and located. Up to the 31st of December, 1843, there were in the schools of the Colony 4,974 scholars, and 1,330 communicants in the Church Missionary Society. There were 46 schools, 35 native lay teachers, and 26 training as such. Now if there were any security that there could be a real *bonâ fide* freedom of will on the part of those liberated negroes, when they were asked whether they would emigrate, he should not complain;

but this was obviously not the case. In the first instance, an interval of six months was allowed between the adjudication in the case of a liberated negro, and his being called on to say whether or not he was willing to proceed as an emigrant to the West Indies. This period was afterwards reduced to six months; afterwards to three months; then to six weeks, then to four weeks; and then, by the Proclamation of Governor Ferguson, they were required to come to an immediate decision as to emigration, or return to their native country. Again, Lord Stanley, in the first instance, when he sanctioned this species of emigration to the West Indies, directed that in every case a certain proportion between the sexes should be preserved on board of each vessel conveying emigrants from Sierra Leone to the West Indies; and that proportion was, that out of every number shipped, at least one-third should be females. In the first instance, it was ordered, that the proportion between the sexes should be one-half; but it was found that it was impossible, under the circumstances of the Colony, to adhere to this rule. It was, no doubt, the intention of the noble Lord at the head of the Colonial Department that something like an equal proportion between the sexes should be preserved in this description of emigration. This requirement was subsequently not enforced; for he found it stated in Minute of Council in Sierra Leone, that the restriction requiring a certain proportion of females to accompany each shipment of emigrants might with safety, in a moral point of view, be altogether abolished; the consequence was, that whole cargoes of males could be taken from Sierra Leone, just the same as slaves were conveyed from the Gold Coast forty years ago. When he considered what the horrors were of a population consisting only of one sex, carried in such multitudes to a dependency in any part of the world, he owned he should be very sorry to be a party to the bringing about any such wicked deed. He bore no ill will to any of his fellow subjects, the planters of the West Indies; he knew the sufferings they had sustained in consequence of the great and humane Act for the Abolition of Slavery in our Colonies; and he also knew that if they could procure a due supply of labour, that they would be enabled to raise as large a quantity of Colonial produce as any other country. All that he now objected to was, that they should receive the benefit of an additional supply of labour, by means which the public, both in

England and other countries, would regard as the infliction of great and unnecessary torture on so many of their fellow-beings. He knew that strong statements had been made in foreign countries as to the mode in which this emigration was carried on, and that it was alleged to be only slavery in disguise. Now, although he would not refrain from doing what he considered to be right because his neighbour thought it to be wrong; yet they should not forget that the highest authority asserted, "that they should not do good in such a way that it should be spoken evil of." He conceived, therefore, that they should so regulate their acts as not to allow any one to speak ill of them. Up to a very recent period, he could not conceive that there was any objection to the proceedings of the Government, in connection with this matter; but recently there had arisen grounds for serious complaint. Many observations had been recently made in the French Chambers on this subject, which must be familiar to hon. Gentlemen. The House was well aware with how much jealousy the people of France regarded our proceedings with respect to emigration to our Colonies; and they not merely watched our proceedings relative to the Right of Search, but also to the cultivation of sugar in our Colonies, by what we called free labour from Asia and Africa, but which they called slave labour. Again, in Spain, he perceived that a similar feeling of jealousy had manifested itself on this subject, as would be seen from the Slave Trade Papers before the House. The Spanish Minister Gonzales, in writing to Mr. Aston, on the 20th of December, 1841, said,—"Mr. Barclay, of Jamaica, has been authorised by the British Government to transport thousands from Sierra Leone." And though this was a gross exaggeration of the number, we could not conceal from ourselves that we had sanctioned the introduction of persons of the African race as labourers into our Colonies, without giving them that freedom of action which we ought. In the Report of the Commission of the Cortes, in January, 1845—on the 27th of last month—the Minister, acting upon our conduct, had claimed the freedom of doing what we had taken the freedom to do; and the Report said,—“Our right to introduce free negroes into America remains untouched.” It was hardly necessary to do more than refer to the use made of our conduct in these matters by Mr. Calhoun, in his celebrated letter to Mr. King. It appeared, therefore, to him, if this plan were to

be adopted, that there was nothing to prevent the Slave Trade being carried on under the allegation that the slave ships were only carrying free labourers on board to their own Colonies. There was too much reason to believe, that under this change of name, the Slave Trade would still exist most extensively. He now came to another part of the subject, with respect to which he conceived there were great grounds of suspicion. He alluded to the proceedings on the Eastern Coast of Africa, to supply the Mauritius and the Cape of Good Hope. In the Mauritius he understood that an Ordinance had been issued—a copy of which he understood was in this country, but which he had not seen—in which a regular bounty was offered on the importation of negroes from the Eastern Coast of Africa to the Mauritius,—namely, of 5*l.* for each male, and 6*l.* 10*s.* for every female. In the Slave Papers marked A, which were laid before the House last year, there was a long account of the manner in which the negroes were induced to emigrate, and the manner in which the voyage was carried on. The agents were told that “you will predispose and captivate their good-will, to induce them to come to this island” (Mauritius); and they were to be promised plenty of farina, and other food. It was probable that their condition as to food might be improved; but the greatest caution and control ought to be exercised in sanctioning these proceedings. In connexion with this subject, he would refer the House to the testimony of Colonel Nicholls before the Committee appointed to inquire into the state of our possessions on the Coast of Africa. He was asked,—

“With respect to any extensive emigration at present, you think that it could not be carried on?—My impression is, that in the present state of Africa, it is impossible. If Her Majesty will accept the sovereignty of territory such as was ceded to me opposite to Fernando Po, by the native chiefs, who came over and took the oath of allegiance voluntarily, that when you have got the cession of the territory, you will have a population which will become free; you may then have freemen to go to the West Indies; you cannot prevent a freeman going where he likes; and if he chooses to go to the West Indies for the wages he would get there, you might have an emigration to some extent, but under present circumstances it is impossible, for this reason; I went over to Old Calabar, and said to Duke Ephraim, ‘What will you let me have a thousand men for, to clear the bush at Fernando Po, and I will send them back when I have done with them?’ ‘No,’ said he, ‘I will have nobody here that is educated by you;

they would soon become our masters here; but I can sell you a thousand men, and you can make them free.’ Now, it would have a noble appearance, if it were said that a person had bought a thousand men, and made them free, and sent them over to the West Indies to work as free men. But look behind the picture, and see the consequence; with the price of those thousand men Duke Ephraim would go into the interior, and buy 2,000; there you at once double the mischief. But still that is not half the mischief, for in taking those men in the interior, I have very good proof that there are generally two, three, or four people destroyed in taking one. So that 1,000 would be the destruction of 6,000, which would be altogether a complete renewal of the Slave Trade. Then, again, that would not be half the mischief; because if you did this, would not every power in Europe demand the same right, and Africa would be torn to atoms for everlasting, and still be made the scapegoat of cupidity.”

That which was true with respect to the Western Coast of Africa took place, in his belief, wherever there was a demand for slaves. The native kings had an absolute command over the liberties of their subjects. When they could find their own subjects in sufficient numbers, they were ready to sell them to the first comer who applied for them; and when they could not, they would make an inroad into the territory of some neighbouring State, and sell all the captives they succeeded in catching. It was true these remarks did not apply to the state of affairs in Sierra Leone, to which the first part of his Motion referred, but it was emphatically applicable to the case of the Mauritius, which constituted the second part of his notice. He, therefore, thought it right to call the attention of the Government to the subject; and he would ask them to follow not merely the example of their predecessors, but their own example up to last year. The Marquess of Normanby declared that no precaution which had been or could be devised could prevent discredit being brought on such a system, and on the nation which allowed it; and Lord John Russell said “he was not prepared to countenance a measure which might lead to loss of life on the one hand, or to a new state of slavery on the other.” Such were the sentiments of the distinguished individuals to whom he alluded on something like the system of exporting negroes, to which he wished to call the attention of the Government; and he trusted they would not be lost sight of on the present occasion. He was sensible of the claims which their fellow-subjects in the West Indies had to

every indulgence that could be extended to them, consistently with good feeling and humanity towards others of the human race; for he was not unmindful of the fact that in the course of the great experiment made ten years hence, and for which England paid not less than 20,000,000*l.* sterling, the West India proprietors were repeatedly told that it was true they would be deprived of the compulsory labour of the 800,000 human beings who were to be liberated from slavery, but that their bodies would still be left in the Colonies; that they would be obliged to work for their subsistence; and that the proprietors would pay them little more in wages than they had hitherto paid for their support, their medical treatment, and their clothing. He thought the experiment then made was never to be regretted; but he, at the same time, felt that the promises to which he alluded as having been held out to the proprietors had not been realized, and that there was not a sufficiency of labourers in the West Indies to compensate for the abolition of the system of compulsory labour. He believed that the climate of the West Indies was not unsuited to the negro constitution, and that the soil was in general such as to repay any amount of toil that was expended upon it; but he still felt that notwithstanding these circumstances, and the claims of their fellow-subjects in the West Indies to every consideration that could consistently be given to them, he was not at liberty to weigh the purse of the West India proprietor against the sufferings, the blood, and the lives of the Africans—he was not prepared to do evil in order that good might follow; he felt that he was bound as a legislator of the nation, as well as an individual, to take care that whatever he did should be consistent with good faith; and, above all, with those specific contracts under which they had undertaken to watch the interests of those sufferers of the African race to whom they owed so much, and whom for five and thirty years they had not only protected, but provided for to a certain extent. He had to thank the House sincerely for having listened to him with so much attention for perhaps a longer period than he had asked their indulgence; and he then begged leave, in the words of his Motion, to move for the following Papers:—

“Copies of despatch from Lord Stanley to Governor Macdonald, at Sierra Leone, dated the 10th day of February, 1844.—Of Proclamation of Lieutenant Governor Ferguson, at Sierra Leone, dated the 12th day of June,

1844.—Of Letter from the Lay Secretary of the Church Missionary Society to Lord Stanley, dated the 26th day of November, 1844.—Of reply from Mr. George William Hope on the part of Lord Stanley, dated the 24th day of December, 1844.—And of any ordonnance, proclamation, law, or proceeding on the part of any authority in the Mauritius, relative to the introduction of negroes into that island in the years 1842, 1843, and 1844.”

Mr. G. W. Hope said, that as there was no wish on the part of the Government to withhold this information, he would second the Motion. The only objection he had to the Motion was, that documents which he should have occasion to refer to, were not in the possession of the House. He must, however, protest strongly against the concluding sentence of the hon. Member, when he said, that he would not weigh the purse of the West Indian against the blood and lives of the African, or do evil that good might come, and that he could not consent to this course, however beneficial to the West Indians, if it involved the breach of the solemn contract which England had entered into with the African race. He could assure the House that if he could conceive that the course the Government were taking involved any of these consequences, he should be as sorry as his hon. Friend to adopt that course; but he contended that the very reverse was the case; and he trusted that he should convince the House that there was no breach of faith in the proceedings of the Government, but on the contrary complete and substantial observance of it. Shortly after the stopping of the Slave Trade, measures were adopted for disposing of captured Africans. His hon. Friend wished to adhere strictly to these measures; but the question was, whether the means now adopted in lieu of them for promoting the immigration into the West Indies from Africa, were not better means, which, while they were beneficial to other parties, would be more beneficial to the Africans themselves. His hon. Friend had referred to a proclamation of the Governor of Sierra Leone, and the mode in which he did so left it to be concluded by the House that the negroes taken on board slave ships by British cruisers were landed at Sierra Leone in a state of debility, and, being incapable of exercising a proper discretion as to whether they would emigrate to the West Indies or not, were left to starve at Sierra Leone, if they would not emigrate. That was the inference from the terms in which his hon. Friend had referred to the procla-

mation. The proclamation stated, that all allowances of whatever kind which had, previous to the date of it, been issued to the captured negroes by the Government on their being landed in the Colony, would cease and determine from the date thereof, except clothing and maintenance, while under adjudication, which would be supplied to them until they could find an opportunity of going to the West Indies, and no longer. But that was not an inflexible rule; it was addressed to the negroes only, and was not binding on the Government. The proclamation undoubtedly was intended to be carried out in a spirit of justice and moderation; it was not intended to compel emigration, but to provide against the negroes remaining in a state of idleness in the Colony, alike damaging to themselves and to the Colonists. The negro was not asked to exercise this discretion until he had enjoyed ample opportunity of recovering his health and strength after the voyage, and ample opportunity of considering the question of emigration. In one case only had anything in the nature of an extreme measure been taken under this Proclamation. That was in the case of a body of 180 liberated Africans, who, so far from being forced to emigrate immediately on landing, were not turned out of the Government yard until they had several times refused to take advantage of the offers that were made them. Therefore, he thought his hon. Friend must see he was not right in the view he had taken on this point. But his hon. Friend had spoken of the children, and said, that with reference to them this option, which was a mockery in the case of grown-up persons, was still more a mockery in the case of children; and he said that the system was so strongly established, that by a special regulation, children up to nine years old only were exempt from its operation. Now, his hon. Friend knew how soon the human frame came to maturity in those climates; and he must know, therefore, that it was a material difference when he (Mr. G. W. Hope) stated, that twelve, instead of nine, was the age at which the system was brought into operation; and no person who knew how soon the negro was fit for labour, would deny that twelve instead of nine years was a very material difference. His hon. Friend, in reference to the schools for liberated negro children in Sierra Leone, had said that a Government agent had been sent through these schools to offer the children the option of emigrating or being turned loose in the Colony, and

that the result was that 100 children had emigrated to Jamaica. Now, he thought he could satisfy his hon. Friend's fears on this point. It was perfectly true that these 100 children had emigrated; but what were the comparative advantages of Sierra Leone and the West Indies? Having emigrated, charge was taken of them by the Government, and the greatest pains taken in allotting them to proper masters, special contracts being enforced in order to secure their rights and comforts. The situation of these children, then, was this,—they were well educated at Sierra Leone up to twelve years of age, and then, on being taken to the West Indies, they were engaged under special contracts providing for the carrying on of their education and training them in moral principles. A more complete answer than the case of the children presented to the observations of his hon. Friend, he thought it impossible to imagine. As regarded the children, therefore, he should not further trouble the House; and he came back to the charge of forcing the liberated negroes immediately upon their landing, to choose between Sierra Leone and the West Indies. His hon. Friend seemed to imagine that the effect of the regulations enforced at Sierra Leone, was to leave no option to the negro. He might be allowed to say that the plan of a gentleman who was eminent in the annals of emancipation—a plan which doubtless emanated from the best spirit towards the African race—he meant the plan of Mr. Hook, Commissioner of the Mixed Commission Court at Sierra Leone, whose name need only be mentioned to convince every friend of the African that his recommendation emanated from the best and purest of motives, had, indeed, recommended that no option should be given, as the negroes were in the predicament of persons who were entitled to exercise no option; and he wished to substitute a decision by the Government on their behalf; but that proposition was rejected by his noble Friend, and the option remained as before. He would endeavour to trace a picture of the comparative advantages of Sierra Leone and the West Indies; but, though his hon. Friend had referred to the concluding passage of the Report of the last Committee who sat on this subject, and owned that he was wiser than he had been in 1842, he confessed that he remained of the same opinion still, and he thought that the House would be found to agree with the Committee also. The Committee commenced their labours by inquiring into the

condition of the Colony of Sierra Leone, and especially the condition of the negro population. They showed that there was a deficiency of employment for labour in Sierra Leone, and a great deficiency in civilization. Indeed, they stated that the arts of civilization, and particularly agriculture, were in a state of total stagnation. They, on the other hand, referred to the West Indies, and stated that as regarded the moral condition of the immigrant labourer, nothing could be more complete or perfect than the means which were taken to secure it. They quoted the number of churches and the number of schools that were established for them, giving the opinion of numbers not only of the clergy of the Established Church, but of other religious ministers, as to the state of that class of the population; and having done that, they drew the result that it was of the highest advantage and the greatest blessing to the Africans to make the exchange from Sierra Leone to the West Indies. In Sierra Leone the rate of wages was from 4*d.* to 7*d.* a day, when they were earned; in fact, the extent of good soil was so limited, that the inhabitants were sometimes obliged to wander out of the Colony in search of subsistence, as stated in Dr. Madden's Report. Compared to his situation in Sierra Leone, where there was a great and striking deficiency of agricultural knowledge, there could not be a greater advantage to the negro than to find himself a free labourer in a British Colony. He could assure the House he fully expected to show that no one act had been done by the Government which did not fall within the spirit of the conclusion of the Committee's Report, to which his hon. Friend had referred. That conclusion recommended that the captured African should have the option of being taken to the West Indies, to return at his own cost, or to stay in the Colony, and that, he said, was the course that had been pursued by the Government. The option had been a *bonâ fide* one. There had been lately an inquiry undertaken on the part of the West Indian proprietors as to the cause which stood in the way of a more extended emigration, of which the result would be laid before the House before long; at present he might be allowed to quote a few lines from one of the documents to which that inquiry had given rise, in order to show for what purposes certain parties resident in Sierra Leone threw obstacles in the way of this plan of emigration to the West Indies. The author, Mr. Butts, writing from Sierra Leone, said,—

"The original settlers here and their immediate descendants are not accustomed to labour, having heretofore procured apprentices, who, by that name, worked and were treated as slaves, without the protection or remuneration, small as was that remuneration, by slaves enjoyed, and also by persons from the tribes in the neighbourhood, who were frequently obliged to fly here for refuge from their own country people."

And Mr. Guppy, in his Report, said,—

"The old residents here, when they have scraped together enough of money to set up for themselves, get a grant of a lot of land, plant provisions, traffic, and, as soon as possible, procure a liberated African, who then becomes their drudge."

All experience showed that this would be the case. It came to this—that, living in the Colony of Sierra Leone, they became the drudges of persons who treated them not with any regard to the benefit of the negroes, but solely to their own advantage. But the state of the liberated negro in Sierra Leone would perhaps more satisfactorily be learned from a person who could not be supposed to write with a bias against the negro race. Nothing could be stronger than the statements of the Governor of the Colony to Lord Stanley. The present Governor was Mr. Fergusson, a man of colour, who was well known among those who took an interest in the African. He said, in a despatch of the 30th October, last,—

"Those persons who have thus refused to emigrate, and have been so readily picked up by the already located liberated Africans, are employed by them altogether as unpaid servants; they are fed—scantly, if at all clothed—and have no pecuniary allowance whatever."

That was the condition of the liberated African at Sierra Leone; and he did fearlessly ask, therefore, whether the Government did *bonâ fide* perform their contract with the African, by allowing him to remain at Sierra Leone, or by giving him the means of going to the West Indies? Such being the position of the negro at Sierra Leone, he might next refer in more detail to the situation in the West Indies. The papers for 1843 and 1844 contained statements showing most conclusively the advantages derived by the liberated Africans in the West Indies. Perhaps the House would excuse him if he referred to one or two of those statements. The first to which he would call their attention was contained in a Report of Governor Light, of October 1842, in which he stated that he had minutely inspected the liberated Africans in the Colony, and found them well dressed, and

cheerful, and that many of them earned high wages. He could quote fifty passages to the same effect, but he would only refer the House to another, at to the state of education. Mr. Stephenson, the rector of a parish, stated that scholars of all ages and of both sexes were under a course of instruction; and that many of them were taught mensuration, algebra, and the use of the globes. The general tendency of the opinions obtained from various quarters showed that nothing could have been more successful than the endeavours which had been made to promote education among these liberated negroes in the West Indies. He considered that it was a matter of great regret that the liberated Africans at Sierra Leone should be left, as was stated in the letter to which he had referred from Mr. Hope, wandering about like savages. Certainly, when he compared the condition of the liberated Africans in the West Indies with those at Sierra Leone, he considered the comparison was vastly in favour of those who had emigrated to the West India Colonies. The hon. Baronet (Sir R. Inglis) had referred to the regulations as to the proportion of the sexes. Now it was a singular fact, of which probably the hon. Baronet was not aware, that it appeared from returns of the numbers of the sexes in the West Indies, that in many of the colonies the number of females exceeded that of males. In Dominica, out of 22,000 of both sexes, the preponderance of females over males was 1,000. In Trinidad and Guiana the numbers were nearly equal; and in Georgetown, Demerara, there was a considerable excess of females. The hon. Baronet had spoken with great horror of the disproportion of the sexes; but, if he instituted inquiries on the subject, he would find that the proportion which at present existed gave no cause for apprehension. Indeed, he believed that the proportion of females in the West Indies was greater than in Sierra Leone. He ought also to state, that before the regulation which had been referred to as to the proportion of the sexes was adopted, the opinions of the Governors of the West India Colonies, as well as of the Governor of Sierra Leone, were obtained, and the measure was adopted with their concurrence. The hon. Baronet then referred to the subject of bounties for immigration into the Mauritius; and he had stated, with perfect accuracy, that an ordinance with reference to this question had lately been received from the Mauritius. That ordinance was received only

this morning. He believed, that at the period when it was despatched from the Mauritius, it had not been brought into operation in the Colony. An ordinance granting a bounty on the emigration of labourers into the Mauritius from the coast of Africa was issued in 1842; but (as we understood the hon. Gentleman) it was disallowed by the home Government. It would probably be satisfactory to the hon. Baronet to learn, that from the time when the ordinance to which the hon. Baronet had alluded was adopted, to the period of its despatch from the Colony, no labourer had emigrated from Africa at a bounty. He did not give any opinion as to the propriety of granting a bounty; but he stated this fact for the satisfaction of the hon. Baronet. The provisions of the ordinance had not yet been examined. It would undergo a careful and close examination; and the hon. Baronet might rest assured that nothing would be approved which could in the slightest degree contenance the Slave Trade. The hon. Baronet had referred to a note presented to the British Government by the Government of Spain, and had stated that our motives were liable to misconstruction. He was well aware of that; but, though our motives might be misconstrued, that was no reason for abandoning the principles we had adopted. He would refer the hon. Baronet to an answer to the note of the Spanish Government, which he would find at page 16 of the Papers for 1843, and which, in his opinion, was most conclusive and complete. His hon. Friend had expressed an opinion, that by promoting the immigration of free Africans to the West Indies, we were throwing a great obstacle in the way of the civilization of Africa. His belief was, that successful endeavours to civilize Africa must be carried out from the west, and not from the east. If they raised up in the West Indies a body of well-educated men—liberated Africans—they would be the most successful agents in civilizing their native country. It was unnecessary for him to say, that in order to civilize a barbarous people, they must be brought into contact and intercourse with those who enjoyed the advantages of civilization; and they were well aware what serious and almost insuperable obstacles prevented Europeans from taking an active part in the civilization of Africa. He need scarcely remind them of an enterprise undertaken some time ago with that object, when the lives of 58 persons out of 168 who were engaged in it were sacrificed; and in the case of another expedition,

which proceeded up one of the northern rivers of Africa, three captains died within six weeks. The dangerous nature of the climate, however, he might observe, was not the only difficulty they had to encounter in similar attempts. He was fully convinced that, before they could adopt any effective measures for the civilization of Africa, they must establish a nursery in which they could civilize Africans, where they could instruct them in useful knowledge, impart to them the arts and sciences, and fit them to become the agents for disseminating the blessings of civilization among their own countrymen.

Mr. Aglionby said, it was almost impossible for Members, generally, to discuss a question of this kind at the present moment, when some of the Papers alluded to by the hon. Under Secretary (Mr. G. W. Hope) were in possession only of the Colonial Office, although others had already been laid before the House. He was glad that the hon. Gentleman had agreed to produce the Papers moved for by the hon. Baronet opposite, because they would afford additional information on this very important subject. He (Mr. Aglionby) sympathised with the West India proprietors, who had, he conceived, laboured under very great disadvantages. He had, in his place in Parliament, opposed and voted against the loan, and subsequently against the grant of 20,000,000*l.* as compensation to the West India proprietors; and he had never had cause to regret the course he then pursued. Were those measures required by the West India planters, or by the slaves themselves? No. In his opinion they would have derived far greater advantage from a system of good government; for he believed few places had suffered more from misgovernment than the West India islands. He hoped the speech of the hon. Baronet would not have the effect of inducing the Government to relinquish a course which, in his (Mr. Aglionby's) opinion, would tend to promote the interests and prosperity of our West India Colonies. He would not have obtruded himself on the attention of the House on this occasion, but for a remark which fell from the hon. Under Secretary. He understood that hon. Member to express his belief that there were in Sierra Leone interested parties who exercised their influence to prevent the emigration thence of liberated Africans. That, if he mistook not, was the substance of the hon. Gentle-

man's statement. He wished to ask the hon. Gentleman to state, if he could without impropriety, who were the parties to whom he alluded. He would be very reluctant to mention any class of individuals whom he believed to have been indicated by the hon. Gentleman, because he might thereby do them an injustice he should afterwards regret; but he hoped the hon. Member would favour him with an answer to his inquiry. It was, he considered, most desirable that the hon. Gentleman should do so, because there was a feeling abroad—which he would mention, though he did not wish to do injustice to humane and worthy individuals in this country and at Sierra Leone—that the missionaries were the parties who had done this mischief. He mentioned this as a common feeling. He might state, with reference to New Zealand—a Colony with which he was well acquainted, and with regard to which a Committee, of which the hon. Member for Oxford was Chairman, was appointed last year—that it had been asserted openly and publicly, and he had every reason to believe it, that the missionaries were the parties who had retarded the progress of that, one of the first Colonies under the control of the British Crown. It had been stated, that the missionaries had there produced injuries without end; that they had almost destroyed the British settlers, and that they had retarded the advancement of the aborigines themselves. He hoped this question would be hereafter a subject of inquiry, when the matter might be fully investigated. He mentioned the subject to-night in order that he might bring it to the notice of the House, and of those high-minded and influential individuals who constituted the Church Missionary Society, to the missionaries of which he had particularly alluded, than whom a more humane set of persons, he believed, did not exist. But he feared those worthy individuals had been misled; and he mentioned this subject openly, in order that if any members of that Society were present, they might look rather more strictly after the proceedings of their agents. He was himself most anxious for the extension of Christianity and civilisation; and on this ground he was desirous that the conductors of this Society should take care that no mismanagement occurred on the part of those to whom they gave their confidence. The hon. Baronet had moved for the return of a letter addressed to Lord Stanley by the Lay Secretary of

the Church Missionary Society, on the 26th of November, 1844. He could not, of course, express any opinion with regard to that letter at present; but he was glad that an opportunity would be afforded him of seeing the letter of the Lay Secretary, whose name, he believed, was Mr. Dandeson Coates, as they might be able to judge from it how far he had been successful in dictating to the Colonial Secretary and to Members of Parliament. He must say that he thought the Church Missionary Society should pay more attention to the conduct of their officers. He could state that circular letters had been sent to many influential constituents in various parts of the Kingdom, requesting them to hand a pamphlet by Mr. Dandeson Coates to their respective Representatives, and calling upon them to induce those Representatives to oppose the recommendations made by the Committee on New Zealand. He would read to the House a copy of one of these circulars, which had been addressed to an elector in a borough in England. [The hon. Gentleman read the letter, which requested, on the part of the Committee of the Church Missionary Society, that the person addressed would transmit, or present through some influential medium, the inclosed pamphlet to the Member for ———; and also use his influence to induce such Member to oppose the recommendations of the Select Committee on New Zealand in the ensuing Session of Parliament, and thus enforce the just claims of the New Zealanders to their lands.] He hoped he would not be accused of any discourtesy to the Church Missionary Society; but he did think it right to call attention to this subject, more especially as a letter from the same source had found its way into one of their blue books. He might also be allowed to allude to a denial which had been given to the statement that the missionaries in New Zealand possessed large tracts of land, when he held in his hand a paper stating they had claimed no less than 196,000 acres. He hoped that nothing he had said would be regarded as conveying the slightest imputation upon the motives or conduct of any member of the Church Missionary Society; for his only object in mentioning the matter had been to state to the conductors of that institution that a strong feeling existed on this subject, and to give them an opportunity of investigating the conduct of their agents.

Mr. G. W. Hope, in answer to the

question of the hon. Gentleman, might state that the remark he had made had no reference to the Church Missionaries. He was not now going to enter into the New Zealand question; but what he had stated with reference to Sierra Leone was this:—that Africans who had been liberated, and had amassed a small sum of money, were anxious to take into their employment other liberated Africans, and were consequently averse to emigration. The Gentlemen who had been commissioned to inquire into the causes which prevented emigration to the West Indies had reported that the merchants and inhabitants of Sierra Leone generally were averse to emigration, which they said could not benefit the West Indies, and had a tendency to lower the rate of wages there. In all the passages on this subject the impediments to emigration were attributed to the old residents, who were afraid of losing the labour of the liberated Africans.

Viscount Sandon thought the observations of the hon. Member for Cocker-mouth (Mr. Aglionby) had no bearing upon the question before the House. He would defy any person to trace any connexion, however remote, between the subject of emigration from Sierra Leone to the West Indies, and the conduct or misconduct of the Church Missionary Society. He would not enter into the question raised by the hon. Member as to the conduct of agents of that society on the coast of New Zealand. But the hon. Gentleman complained that circulars had been issued by the Committee of that Society, recommending a pamphlet to the attention of constituents in different boroughs, and requesting them to urge the advocacy of certain view upon their Representatives. Why, if the hon. Gentleman opposite had chosen, he might have issued counter-statements in the same manner. In reference to the Motion of his hon. Friend the Member for the University of Oxford, the question had been so completely exhausted by him that very little was left to be said upon it; but he regretted to find that his hon. Friend was recommencing the old battle. He had hoped his hon. Friend would not have brought the Motion forward. What could his hon. Friend mean by "the blood and the suffering" of the African? If there had been no option allowed to the African, he might then have been able to make out a case of hardship; but the facts were that

there was an option—that they were transported in vessels provided under the care of the Colonial Government—and that they were removed from a Colony where they had no chance of rising in the scale of civilization to where there was every means and appliance for their doing so. He confessed he regretted this Motion of his hon. Friend. He did not wish to refer to the Report of the Committee; but he must say it proved that every means had been taken to prevent even the suspicion of wrong—that the principle had been scrupulously adhered to of not allowing any African to go to or from any but an English Colony—and that every precaution was taken that the parties who migrated were not exposed to any violence. It was satisfactory to him to hear from the Under Secretary for the Colonies that the apprehensions which had been inspired in certain parties in this country, that the missionaries had interposed obstructions to immigration into the West Indies were entirely unfounded.

Mr. *Hutt* said, that having been a Member of the Committee of 1842, it appeared to him no fact had been brought forward by the hon. Baronet which had not been under the consideration of that Committee. The Committee patiently and elaborately entered upon a consideration of all those points, and after having done so they made a Report decidedly in favour of that immigration which the hon. Baronet had advised in part. He did not generally follow the views of Her Majesty's Government, but he was bound to give his cordial support to their policy on this question. He only regretted that the same policy had not been adopted earlier, and that it had not been voluntarily carried out. It was impossible to deny to the hon. Baronet the praise of having stated his view of the case with considerable moderation and fairness. He only wished that some others would follow his example. He was convinced, that if Her Majesty's Government would only pursue boldly the course they had now adopted—if they would turn a deaf ear to mischievous meddlers—if they would throw open our West India plantations to the free immigration of the African race, they would promote the cause of improvement to an extent that he believed scarcely so much could be accomplished by any other single line of policy. This policy, he knew very well, would not give satisfaction to all parties; but for a moment let

the good be considered which it set before us. He would remark, then, that by pursuing this policy we should repay that debt we owed to the African to which the hon. Baronet had referred; the African race, so long oppressed, we should raise in the scale of civilization; we should rescue the West Indies, to which we owed a great and heavy debt, from a position of difficulty; and at the same time we should have the satisfaction of throwing open to our own country a great extension of Colonial empire. By such means, he was persuaded we should realize the dreams of Wilberforce, Clarkson, and Buxton, and throw off the manacles of slavery all over the world. If, he repeated, we only allowed the West Indies the opportunity of cultivation by the free immigration of the coloured race, slavery, which had resisted all our attempts to overthrow it in the United States, in Mexico, and in the Brazils, would be entirely prostrated, because we should be able to undersell the employers of slaves. We should also put down the African Slave Trade, without collision or quarrel with our powerful neighbours, because these means were more certain than any which the treaties of politicians could ever effect, inasmuch as they would ruin its supporters. He therefore called upon Her Majesty's Government to carry out this policy honestly and courageously. We had long enough tried the system so much contended for by the trading philanthropists of Exeter Hall, the consequence of which had been that we had reduced our West India Colonies almost to the verge of ruin, prodigiously increased the price of sugar, and given a great impetus to the unspeakable horrors of the Slave Trade, besides sacrificing the lives of numbers of gallant seamen upon the
What good had been derived from all this? With the exception of hearing some of the gentlemen of Exeter Hall and Mr. Dandeson Coates, we had derived no advantage whatever. He rejoiced to hear from the Under Secretary of State, that Her Majesty's Government was not disposed to submit to dictation; and he hoped they would continue boldly to pursue the course they had adopted with regard to our Colonial concerns.

Mr. *Stuart Wortley* recollected nothing whatever in the speech of his hon. Friend the Member for the University of Oxford, to justify the observations that had fallen from the hon. Member (Mr. *Hutt*). The

noble Lord (Lord Sandon) also appeared to have rather misinterpreted the observations of the hon. Baronet (Sir R. Inglis). The hon. Baronet had been assumed to have argued as if he thought it was a very objectionable course of proceeding to remove the liberated Africans from Sierra Leone to the West Indies, in the circumstances under which the regulation to do so was established. He did not understand his hon. Friend (Sir R. Inglis) to mean that. His motive in bringing forward the Motion was, that in his opinion a change had been introduced into the regulations for the removal of the African population which was not consistent with justice towards them, and not likely to conduce to the successful result of the operation. His hon. Friend, if he thought that, was justified in introducing the Motion, and he deserved no little praise for having submitted it to the House, because there was no question, if we were to carry this system out, and give the negro in Sierra Leone an option on the question of his removal to the West Indies, it was desirable on all grounds that the option should be properly guarded. Above all, it was desirable that regulations should be made as effective as possible in order to secure that option. Whether it were desirable to continue the option was another question. There were those who thought the option should be altogether withdrawn—that when the negro was liberated he should be told there was a market for his labour in the West Indies, and the Government would remove him there without any option; but as the option was to be given, he contended that it behoved the House and the Government to see that regulations were adopted to secure to the liberated African the proper degree of option. His hon. Friend had moved for these Papers, asserting a change restricting the regulation; and he could not be sorry at the Motion, because it had elicited a reply from his hon. Friend the Under Secretary for the Colonies which must be satisfactory to all who had paid attention to the question. The regulation now was, that the African should be required to proceed to the West Indies by the first opportunity; and this being so, he could not help thinking, with his hon. Friend, that it contained within it something of hardship; for it was impossible to suppose that parties in the position of the unfortunate Africans, immediately after liberation from a slave ship, could either sup-

port themselves in the Colony or exercise an option. He did not mean to contend that from this time forward it would be undesirable to believe that the African benefited by the change from Sierra Leone to the West Indies; on the contrary, he believed, that under this regulation, if properly carried out, the advantage to the African was inevitable; but, at the same time, it was our duty and our business, when we placed them at Sierra Leone, to provide such assistance as should secure them the power of option. He could not help thinking that his hon. Friend, instead of deserving blame for the Motion he had made, deserved the thanks of the House.

Mr. *Mangles* could scarcely believe that the hon. Member for the West Riding had correctly heard the speech of his hon. Friend (Mr. Hutt); for, so far from casting any discredit upon the hon. Member for the University of Oxford, he appealed to the House if his hon. Friend had not spoken in terms of praise and commendation of the temper and moderation in which the Motion had been brought forward. The hon. Member, for instance, had expressed his earnest wish that all parties who took the same views as the hon. Baronet would conduct themselves with equal moderation and with equal regard to strict verity and truth. The hon. Gentleman (Mr. Wortley), under cover of the hon. Member for the University of Oxford, had defended parties whose conduct his hon. Friend (Mr. Hutt) did impugn; but anybody who knew the history of the West Indies since the emancipation, and who knew anything of the efforts made to introduce slavery into those Colonies, must know there had been parties, mistaken, misguided, and short-sighted, who had done their utmost, in a suicidal manner, to verify all the predictions of the enemies of emancipation, and to falsify all the statements of its friends. As to the attack which had been made upon the operations of the Church Missionary Society, he must say that he was a member of that Society, and could bear testimony that on India, where the missionaries were under the eye of a strong Government, the Society had conferred great blessings; but he must admit that in some other places the efforts of the missionaries had had an injurious effect.

Sir *T. Acland* said, it was not his intention to prolong the discussion by any observations. As to the labours of the missionaries, he must be permitted to say

that to these labours, by which this country was highly distinguished, and in which our Colonial Empire was deeply interested, he was willing to award due praise. It was very possible that the interference of missionaries might in some cases have been found injurious. But every Englishman who had his country's interest at heart, and who was desirous of availing himself of all opportunities of usefulness—let his object be the promotion of commerce, the spread of religion, or the advancement of science—did naturally come home to the Government of this country, being assured that if his object were one likely to be beneficial, he would have an impartial hearing. Therefore, if it was found that parties had besieged the Colonial Office a little more than was usual or desirable, forgiveness might readily be extended to them for so doing. But his principal reason for claiming a moment's indulgence of the House was, that a reference had been made to him by the hon. Gentleman the Under Secretary for the Colonies upon a subject which was once one of the most hopeful and buoyant among the English public, and which afterwards turned out to be one of the most painful. The hon. Gentleman appealed to him whether he was not conscious of the difficulty of any attempt to attain the beneficent objects of this country, and whether he should not justify him (the Under Secretary for the Colonies) for being cautious in the exercise of his power in sending Europeans into climates that had proved so very disastrous. Now, he (Sir T. Acland) was certain that every one who took part in forwarding that not useless expedition—he meant the expedition to the Niger, which it did not please God to crown with success—had done considerable good. For the result of that expedition was, he felt certain, the forwarding the commerce of Africa nearly a quarter of a century; and its beneficial effects would, he was persuaded, be experienced a century hence. But, with all the hopeful expectations they might justly entertain of the benefits to accrue at a future period, they could not help remembering and lamenting the loss of human life that had taken place in the expedition that had been referred to. The partial failure of this expedition was a great disappointment, in the midst of his anxious and beneficent solicitude, to one of the ablest sons of British humanity. He meant Sir Thomas Fowell Buxton, who was at the head of that expedition, and who had lately been removed from among

us. He (Sir T. Acland) was sure that there was no one in that House who would not willingly render to the character of that distinguished philanthropist the merited tribute of praise. There were some circumstances which he thought had not been fairly brought before the notice of the public. It had been very much the custom, and it was to him a great disappointment—it had been very much the custom to imagine that the expedition to the Niger was one of the most disastrous expeditions in which this country had ever been engaged. But such was not the case. The first efforts made, either for the promotion of commerce or religion in an uncivilized country were generally attended with disaster; and in the expedition to the Niger there had been sacrifices which they all deplored; but that expedition had not been so disastrous as was imagined by many parties. Sacrifices had always taken place in such cases. The hon. Member proceeded to mention, that five months had been spent by a party in the country referred to, and that the loss of life was comparatively small. And he took courage from a fact mentioned in the *United Service Gazette*, in the early part of 1842—it was a most singular coincidence. It was stated, that in one of the West India islands, there was a regiment which lost almost the exact proportion of men during that summer which was lost in the Niger expedition. That fact might, he thought, tend to a certain extent to relieve the feelings of sorrow and disappointment caused by the partial failure of the expedition. With respect to the subject brought immediately under the notice of the House by the hon. Baronet the Member for the University of Oxford, he entirely agreed in the recommendation that the labour of liberated Africans should be made available in the West Indies. He thought that much good would result from an interchange between persons resident on both sides of the Atlantic. He remembered that when the question as to the employment of Coolies was under discussion, he took no part whatever against that Motion, because he could never understand why, if they refused a man slave labour, they could turn about and say that he was not to have free labour. The only question they had at that time to consider was, the regulations; and the only question they had at the present to consider was, the regulations. They must take care in their regulations respecting the liberated slave

of Sierra Leone that they gave him a *bonâ fide*—a free choice or option as to remove to the West Indies—not confined to a day, or a week, or a month. The hon. Baronet proceeded to observe that native missionaries were being provided for the distant scenes of the operations of the missionary societies. The Bishop of London had lately ordained two or three Africans as missionaries; and one of the most distinguished missionaries of a society unconnected with the Church Missionary Society was the son of an African; and he was glad that the employment of native agency was sanctioned by the example of the Colonial Office itself.

Mr. *Plumptre* believed that the Church Missionary Society had performed its labours well. He defended the Lay Secretary from the imputations that had been cast upon him. He had had a long acquaintance with that gentleman, and he must say that he was wholly undeserving of the censures made upon him.

Sir *R. H. Inglis* replied. He had perhaps used too strong an expression, since it was so regarded by his noble Friend (Lord Sandon); yet he could hardly admit it, after it had been so kindly vindicated by his hon. Friend the Member for the West Riding (Mr. Stuart Wortley). As the papers were to be granted, it was not necessary for him to say much; but he must rejoice in the assurance of his hon. Friend the Under Secretary for the Colonies, that, while the words of the Governor's Proclamation might bear the interpretation put upon it, it was not intended to act upon it literally. His hon. Friend told him, that he was mistaken in assuming that nine years of age had been fixed as the period at which children were removed from the schools; whereas it was twelve, "a great difference in a tropical country." All he could say was, that the earlier age was stated in a letter which he held in his hand, from one who had been in the Colony at the time. He again thanked the House for their patient attention.

Motion agreed to.

HONG-KONG.] Dr. *Bowring* said, he was about to ask some information from Her Majesty's Government with reference to a matter which was well entitled to the attention of the House. In bringing forward the subject, it was not necessary to refer to the interest which the proceedings in China had created in the mind of this country, or to the grati-

fication with which public opinion regarded the brilliant and successful career of Sir Henry Pottinger in that country, rendering the position of any one who succeeded that distinguished individual one of considerable difficulty, from the disadvantageous contrast in which he would necessarily be placed. It must be the universal wish of all parties in England, that all our proceedings in that country should be characterized by prudence and wisdom, and that no impression should be left upon the inhabitants of our newly-founded Colony, or upon the extraordinary people amongst whom that Colony was placed, which might be unfavourable to the character of the English people. Proceedings which had recently taken place at Hong-Kong, and with respect to which he wished to obtain some authentic information, were of such a nature, that they could scarcely fail to leave an unfavourable impression with respect to us; and therefore it was desirable that the House should be fully informed upon the subject, so that if the statements which had reached this country through unofficial channels would be explained by facts of an authoritative character, the error and mistakes which appeared to have been made, might be excused or explained. For according to present appearances the conduct of the Governor of Hong-Kong had been hasty—judicious—indefensible; and he should, previously to requiring information upon the subject, lay before the House what had been communicated to him with reference to the circumstances to which he alluded. On the 21st of August, 1844, an ordinance was prepared by the Governor and Council of Hong-Kong, which was not promulgated until two months after, which showed that the document was not rashly issued, but that it had been promulgated after long consideration. The document to which he alluded stated that

"To secure tranquillity and good order in the Colony of Hong-Kong and its dependencies, and to prevent the resort there of abandoned characters and of persons without any ostensible means of subsistence, it was expedient that a registry be established of persons resident therein."

The mode, however, of carrying out the objects proposed in that document was of so inquisitorial a character, that it was calculated to lead to great resistance, and to be warmly opposed by all who were subjected to its control. The ordinance

spoke of Hong-Kong and its dependencies; and he would ask, where were those dependencies? He thought it would be well if the Governor had defined what those dependencies were. The first clause of the ordinance went on to say,—

“Be it further enacted and ordained, that from and after the first day of November next, all male inhabitants of the age of twenty-one years and upwards, or capable of earning a livelihood, resident in the Colony of Hong-Kong, shall be required once in every year to appear personally at the said office, or at such branch offices as may from time to time be established by the Governor in Council, to be registered in manner hereinafter mentioned.”

That ordinance contained provisions which were to apply, not only to the British merchants, but to all persons resident in Hong-Kong; and some of those provisions were of such a nature, that they were opposed to the feelings, not only of the merchants, but were so much more especially so to the habits and usages of oriental countries, that it would be quite impossible to carry them out. It went on to say,—

“Be it further enacted and ordained, that the said Registrar-General, or such other officer, so to be appointed as aforesaid, shall and may in all cases where he shall deem it advisable, inquire into, and acquaint himself with the age, birth-place, and residence of every person so to be registered, and with his occupation, and the date of his arrival in the Colony aforesaid; and with the circumstances of his family and connexions, and with their places of residence, and occupation; and shall and may ascertain whether the said applicant be married, and of what number his family consists, and whether male or female; and that he do enter or cause to be entered all such particulars in a book to be kept for that purpose.”

If such provisions were calculated to be repulsive to the feelings of the British at Hong-Kong, he (Dr. Bowring) could state, from his knowledge of oriental society and manners, that it would, in his opinion, be impossible to carry them into operation, when the retirement of the household could scarcely even be penetrated. Even at Cairo, a few years since, the Government wholly failed in an attempt to make a census of the population, being resisted by the universal feeling of the public. What was the consequence of this attempt at Hong-Kong? The result was, that a great number of persons left the Colony—the bazaar was in a state of great commotion, public works were suspended, and the market at Victoria was for a time thrown into great confu-

sion. The details of the registration ordinance were as obnoxious as its general character. There was no appeal allowed against the decision of the Registrar-General; all headmen and contractors were made responsible for the registration of all those in their employment; and every one liable to be registered was bound, under the ordinance, to report himself, in order to be registered before the expiration of twenty-four hours after his arrival in the Colony, under a penalty of twenty dollars. It was further ordained that all *tepos* and overseers should be bound to give a return, when called upon by the proper officer, of the names and occupation, and all the particulars before-mentioned, of all persons residing in their respective villages or districts, with the number of each house, according to the register, and the number of persons residing in each house, or be liable to a penalty of twenty dollars for each and every person so required to be registered. It also ordained that every householder should give a return of the names, and the number of persons in his employment, or residing within his house or on his premises; and if the returns were not made before a certain day named in the ordinance, he was to be fined twenty dollars; then there was a fee of five dollars for registering every resident being a merchant, shopkeeper, or *comprador*, or being in the receipt of a monthly income of twenty dollars or upwards, with a fee of three dollars for registering any person who was a servant, clerk, or mechanic, or was in the receipt of a monthly income not exceeding twenty dollars, and not less than ten dollars; and the fee for registering every person being a Coolie boatman or labourer, or being in receipt of a monthly income of less than ten dollars, was to be one dollar. The appearance of such a document naturally created the greatest sensation in the Colony, for all were opposed to a system of such an inquisitorial nature, which inquired not only as to individuals themselves, but to their connexions; and a public meeting was held, at which the dissatisfaction of the inhabitants was expressed, and a memorial adopted on the subject. With reference to a meeting of the Chinese, which had been held on that subject, the Governor stated that he had received a communication from the assistant magistrate of police, to the following effect:—

"My information leads me to believe that other than Chinese influence has been exerted to mature the late movement. The leading part taken by the comprador of an English firm—the meeting of Chinese held at the house of that firm—the intimate knowledge displayed by the Chinese of the proceedings of certain English regarding the registration, and their adoption of precisely similar language—would seem to mark most clearly the assistance and co-operation of one or more Englishmen."

And the Governor went on to say,—

"He would fain hope, for the sake of the British character, that none could have been found capable of thus tampering with the Chinese population; but as the subject had come officially before him, he deemed it necessary to take that public notice of it, and to draw the attention of any who could descend to such unworthy practices, to the consequences entailed on the ignorant and unfortunate Chinese, who had been necessarily subjected by the magistrates to severe punishment."

That would show the view which was taken of the ordinance at Hong-Kong. The parties at that meeting distinctly repudiated, by resolution, all intention of disrespect, and again expressed their disapproval of the ordinance. He was not sure that without reference to the home Government, the authority of levying taxes existed in the Governor of Hong-Kong; but that the mode adopted was imprudent there could be no doubt. Subsequently a letter was received, in which it was stated, that the representations made to the Governor were of so disrespectful a character, that all further communications between him and the merchants must cease while such sentiments continued to be maintained by them; and that they were indebted wholly to the ignorance of the Governor and Council, occasioned by the delay of their letter of the 31st, for any answer whatever to what now appeared to be their third communication. Now this was not the friendly position in which the principal inhabitants of a new Colony ought to stand in relation to its authorities. He thought these parties had an undoubted right to represent what they considered to be a great grievance, and to state the fact that the ordinance had stopped their commercial affairs. The result was, that the present Governor was obliged to withdraw the ordinance. After the Chinese had been induced to submit to all the terms which we saw fit to enforce upon them, here

was one of the first acts of the new Governor—a measure which he was obliged to retract—thus giving to those against whom it was directed a triumph, which must be most dangerous to good and regular Government, and must be a source of great confusion. The object which he now sought was to obtain a communication of the Papers, and to invite from the Government such an explanation as they might be disposed to offer; and unless something more were said than was contained in the Papers in his hand, he should feel it necessary hereafter to take further steps to ascertain whether there was any justification for the proceedings to which he had called the attention of the House. The hon. Gentleman then moved—

"That an humble Address be presented to Her Majesty, that She will be graciously pleased to give directions that there be laid before this House, Copies or Extracts of Correspondence relative to the issue and suspension of an Ordinance of the Governor of Hong-Kong, dated 21st August last, for the registration of the population of that Colony, and for establishing a Poll Tax on the inhabitants to cover the expenses of said registration."

Mr. G. W. Hope could not, on the part of the Department with which he was connected, consent to the production of the correspondence; neither could he suffer the observations of the hon. Gentleman to pass without some notice. In the first place, he had to complain that the hon. Gentleman should, without waiting for the whole correspondence, so that the case might be fairly stated, have made an attack upon the conduct of Mr. Davis. That Gentleman had for years been superintendent of the trade in China, and had been selected by his right hon. Friend as especially fitted for the appointment, and he had given great satisfaction in the discharge of his duties. The hon. Gentleman seemed to consider such a law as a registration law inconsistent and difficult of application in a new Colony like Hong-Kong; but he thought it much more easy in a new Colony than in an old city like Cairo. He should be doing injustice to Mr. Davis, if he did not state that the principle of the law in question had received the sanction of the noble Lord at the head of the Colonial Department. The House would recollect that Hong-Kong was small in extent, and was close to a dense population of Chinese. It was infested by rogues and vagabonds of every

description; robberies were committed in the most daring manner. As one instance, the House of a merchant had been attacked early in the night by 150 men. To restrain these excesses by a proportionate force was almost impossible; and the next best thing was considered to be a police regulation in the nature of registration, so as to prevent persons who were not of good character from residing there. As to the tax in question, it was intended to cover the expense of the proceeding, and that did not seem an unfair mode of supplying the means of carrying such a regulation into effect. At the same time the whole subject was under the consideration of Mr. Davis, and, until further explanation should be received, he (Mr. Hope) was not prepared to say more on the subject.

Sir G. Staunton hoped that the Motion would be withdrawn. There was nothing which appeared to him more likely to retard the progress of the Colony than these premature discussions. In order to assist the House to form a just estimate of the impression which this ordinance made on the spot, he should read to them the following extracts from the *Hong-Kong Gazette* :—

“The clauses of the last ordinance which were felt to be so obnoxious have been withdrawn, much to the credit of the Government and Legislative Council. As it now stands we have little to find fault with. We hear objections from parties, whose opinions we respect, to some of the clauses of the registration ordinance. We confess that the whole document is un-English, but at the same time the state of affairs renders it indispensable. We must bear in mind that Hong-Kong is an anomaly in Colonial history, and that we must not seek elsewhere for measures which here are unavoidable.”

The advices which he had received informed him that the ordinance had been withdrawn; at the same time, in the opinion of those who had an opportunity of judging of the facts, it had been rendered necessary by the state of the Colony. He was of that opinion, and entirely approved of the ordinances: they were absolutely required in the existing circumstances of the Colony. At the same time, he must remark, that the favourable Tariff of duties which had been conceded by the Chinese was undoubtedly a “heavy blow and great discouragement” to those who expected the prosperity of the Colony to be promoted by branches of trade which were not legitimate. Mr. Davis, as had been

stated by the hon. Member opposite, was well qualified for the duties confided to him, as well by his attainments as by his natural abilities. He had given many proofs of his judgment and skill; and he was selected for the post which he filled solely on account of his high character and his qualifications. But whatever might be the talents with which he was endowed, his situation was, from the peculiar circumstances of the Colony, a very hard and difficult one. He had to deal with a population of 15,000 Chinese, all seeking to evade the control or control of both the Chinese and the English Governments, and he found it necessary to control them by some stringent regulations. The differences which had arisen were not originated by any act of Mr. Davis. It was even admitted on the spot that he had done more to promote the prosperity of the Colony in six months than had been achieved in the two previous years of its occupation by the English.

Dr. Bowring said, that he did not understand the hon. Gentleman opposite to state decidedly that he would not by and by communicate the document to the House. He had said that at present the information was imperfect, and he (Dr. Bowring) would certainly not do Mr. Davis the injustice of resting the case upon imperfect documents. If there was any defence of which we had no knowledge, Mr. Davis ought to have the advantage of them. His hon. Friend the Member for Portsmouth stated, that he had received information that the document had been wholly withdrawn. That was not the purport of the communication which he (Dr. Bowring) had received. The *Hong-Kong Register*, of the 12th of November stated, that the postponement of the Act had restored matters to their former state, that most of the Coolies who had left the settlement seemed to have returned, and the public and private works that had been brought to a stand were again in a state of progress. It proceeded to say, “We have heard that upwards of 3,000 left in the course of two days, affording a sufficient proof of itself how much harm would have resulted from enforcing the measure which has in the meantime been wisely withdrawn, and we hope will not again be promulgated without being divested of the offensive clauses.” As far as he could judge, the amount of the justification of Mr. Davis came to

this, that he had put forward an ordinance which he was not able to defend, which he had in consequence withdrawn, and that a great many of its obnoxious clauses had been removed; and he could not but think that such an exhibition in the Colony of Hong-Kong, or in any other Colony, did no credit to the British authority. With leave of the House he would withdraw his Motion in its present form, retaining to himself the right of bringing it forward by and by, when the necessary documents were in the hands of the Government.

MEDICAL PROFESSION.] *Sir J. Graham:* Sir, I should not have considered it consistent with that duty which I am called upon to perform, to have troubled the House at any length upon the subject of the Motion which I am about to make had I not thought that a very great impression has been created on the public mind by misapprehension, and that a very great degree of anxiety exists amongst the medical practitioners, with respect to the alterations which it is the intention of the bills which I am about to ask leave to bring in, to introduce into that profession. I should not but for this have trespassed at so late an hour upon the attention of the House. But the House will no doubt remember, when I introduced, at the latter end of last Session, a Bill for the regulation of the medical profession, I then stated, that considering the various important interests which that measure would affect, as well with respect to the public at large, as to the medical practitioners themselves, hasty legislation upon such a subject would not only be inexpedient, but also unjust to the profession; and that I thought I should best consult the public interest, and accord that general justice which was due to all parties, if I laid the projected measure in its then state upon the Table of the House, in order that its merits, and the various enactments which were proposed in its clauses, might be canvassed and thoroughly sifted during the ensuing recess. It is not denied that this proceeding on my part was characterized by fairness and by a willingness to afford an opportunity for thoroughly examining the proposed Bill; and I am now prepared to admit also its usefulness, for the discussions which have since taken place with respect to that measure, have enabled me to state the changes which I am now prepared to submit

to the consideration of the House. And, first, it will be necessary for me to recapitulate the leading objects of the Bill to which I refer, and then I shall state the change which I have introduced in the measure I am now about to propose. The first provision of that Bill to which I propose to adhere is the establishment of a Council of Health, which shall have the superintendence and control over medical and surgical education, and which shall constitute a Board, the seat of which shall be in the metropolis, so as to be easy of access to the Executive Government, in order to assist the authorities with its advice upon all questions affecting the health of the people at large, such as on occasions when the cholera rages, or when fevers or epidemics are abroad. The Sanatory Board will advise the measures to be taken by the Government with reference to the general health of the people in large and populous cities, and it will constitute a council easily accessible at all times to the Executive Government, for its seat will be in the metropolis. This is the first object of the Bill. The second object which the measure is intended to effect, is to abolish all monopolies of the medical profession, and to secure to all medical practitioners equal facilities of practice, as well as to afford the security to the public of an equality of attainments on the part of the medical practitioners, so that whilst on the one hand equality of practice is given to the profession, equality of attainments is secured to the public on the other hand; these attainments being certified and made notorious to the public by the registration of all the medical practitioners after they shall have undergone an examination before the constituted authorities, and thereby afforded a proof that they have come up to that standard which shall be deemed requisite to qualify them to practise in medicine and surgery; and by the law, as it will in future stand, no title to practise in the three kingdoms will be given in any one of the branches of medicine and surgery to those who shall not have undergone such an examination, and shall not have been found competent. These were the leading objects of the Bill which I introduced last year; to those objects I still adhere in the Bill which I contemplate; and if the House gives me permission to bring it in, it shall be my care that the provisions which I have pointed out shall be fully secured to the public. Having thus shortly stated the leading objects of the proposed measure, I will now proceed to lay before

the House the alterations in the Bill of last Session which it is my intention to make. In that Bill I proposed to repeal the Statute of Henry VIII. (14 and 15, c. 5), which gives to the members of the College of Physicians the exclusive right of practising as physicians in the metropolis, and within seven miles of it. I do not now propose to repeal that Act entirely; but I do so only so far as to exempt from its penalties all physicians who shall be registered according to the provisions of the proposed measure; and I have also framed a clause whereby the Universities of Oxford and Cambridge will be exempted from the operation of the new Bill, and their graduates will consequently be secured in all their present privileges. There exists, I am sorry to say, both at Cambridge and Oxford, a great jealousy respecting their exclusive and peculiar privileges, which they have not as yet consented to forego, and to come within the operation of the proposed measure; I have, therefore, thought it expedient to introduce a clause into this Bill exempting their graduates entirely from its operation, and consequently conferring on them the right to practise according to their respective degrees throughout all England and Wales, save and except in the metropolis, and within seven miles of it. This provision securing the existing rights of the two Universities will be inserted in the proposed Bill, unless they shall, subsequently to its introduction, agree on certain terms to come under its operation. The particular arrangement which it is desirable to accomplish between the College of Physicians and the Universities, is, that assessors from the College of Physicians shall go down to Cambridge and Oxford, and have the power of granting medical degrees in conjunction with the academical authorities, which degrees shall confer on the graduate the same right of practising in the metropolis, and within seven miles of it, which they will possess with respect to all the other parts of England and Wales, under the operation of the clause I have already referred to. If the Universities shall, previous to the passing of this Bill into a law, consent to waive their exclusive privileges, and to place their graduates under its operation, then the exemption clause can be withdrawn in Committee, and the same arrangement can be made with respect to them, which I am happy to say the Universities in Ireland and Scotland have already acceded to. I now come to the

question more particularly referred to in the petition just presented by my hon. Friend the Member for Middlesex; namely, the question of the repeal of the Apothecaries' Act. After having reflected upon this subject with great anxiety, I have come to the conclusion that it is not expedient to propose the total repeal of the Apothecaries' Act. It is my intention to propose the repeal of that Act only so far as parties who shall be registered under the Bill I am about to introduce shall be concerned. A great complaint made against the measure proposed by me last Session was, that I gave no additional security against empiricism, and that I abolished the penalties already in force. In the present Bill, whilst I propose the partial repeal of the Apothecaries' Act, I shall leave the full powers to enforce penalties untouched which the Apothecaries' Company now enjoys. The Apothecaries' Company will still be allowed to prosecute all those practitioners who shall not be registered under this Bill, and who shall practise without being licentiates of their body. I confess, Sir, that I do not attach much value to the enforcement of these penalties, but I am content to leave the power. Nor do I stop here; I do hope that I shall be able to give an additional security to that offered in the Bill of last year; and as I think it is a security which I can offer consistently with the principle I maintain, against the simulation of the right to practise by an individual who shall not be duly enrolled; I cannot regard it as an offence for any person not professing to possess the required standard of an examination, to practise surgery or medicine, subject to the risk which he runs of a criminal prosecution, and, I believe also, of a civil action, if any injury shall result from his practice. He will still be subject to the general operation of the law; and if he does not pretend to be what he is not, I cannot see why we should make any new crime to make him amenable. I propose, however, to go the length of saying that there shall be an additional restraint, by making it penal for any unqualified person to assume the title of physician, of surgeon, or of apothecary or doctor, or any other title recognised by this Bill. My best course, however, will be, as this is a most important clause, that I should read the whole clause, which runs in these words:—

“And be it enacted, that every unregistered person who shall wilfully and falsely pretend

to be, or take or use the name or title of physician, doctor, bachelor, or inceptor in the faculty of medicine, or surgeon, or licentiate in medicine and surgery, or apothecary, (I retain that, because I do not now propose to repeal the Apothecaries' Act,) or any name, title, or addition implying that he is registered under this Act, or recognized by law as a medical or surgical practitioner, shall be deemed guilty of a misdemeanour in England and Ireland, and in Scotland of a crime and offence, and being convicted thereof, shall be punished by fine or imprisonment, or both, as the Court before which he shall be convicted shall award."

I shall meet many objections by this provision; and I feel it consistent with my duty to go this full length against empiricism, and against the pretenders to medical titles who have not the qualifications they claim. I propose, also, to repeal so much of the Apothecaries' Act as requires the examiners, who will hereafter be conjoined with physicians in the examination of licentiates in medicine, of necessity to be members of the civic Guild of Apothecaries of the city of London. The examiners are now part and parcel of a civic guild, the admission to which may be by purchase or by inheritance, without any medical knowledge or examination. In lieu of the present provision, I propose that the qualification for an examiner shall in future be, an apothecary of ten years' standing, who shall be in practice as an apothecary; or a licentiate in medicine of ten years' standing; anticipating that, after the lapse of ten years, the examiners will, in fact, be licentiates in medicine under this Act, and that under the general name of "licentiates" the examiners will be general practitioners. I come now to another alteration, to which I attach great importance. I confess that I could earnestly desire to see one admission to practice by an examination common to all, and that after all shall have passed one common portal, each should choose what branch of medicine he may wish to practise. My desire would have been to see that common examination; but I have found objections raised to that plan which appear to me to be reasonable and to be insuperable. The College of Physicians has always attached—and, as it appears to me, they rightly attached—great importance to a university education; and to enforce upon persons who have received that education another examination, such as would be enforced upon others at an earlier period, would greatly increase the protracted study of the physician, who could not, according

to my proposal, enter into practice as a physician till he is twenty-six years of age, which is certainly not too late a period of life for a physician to commence practice. This objection is made—that academical education, which is his best foundation in arts, literature and science, is not so various, and not so full upon particular points of the curriculum of surgical and medical instruction as may be acquired by attendance on chemical lectures, and by walking hospitals. This objection, does not apply to surgeons; and I have great satisfaction in knowing, as far as my inquiries have gone, that there is not, on the part of the College of Surgeons, or of the surgeons generally, any objection to a provision in this Bill to which I attach great importance—that no one shall be qualified as a surgeon till he is twenty-five years of age, or unless he shall have been previously examined as a licentiate in surgery and medicine, and shall have passed the examination as licentiate in medicine as well as surgery. There was also an objection made to the Bill of last year, which was not so much a real as an apparent objection—that there was no direct provision for an examination in midwifery. I propose, that henceforth it shall be necessary to make provision in all parts of the United Kingdom for an examination in midwifery, and that there shall be in the registration a distinctive mark that the party has undergone an examination in midwifery, and has so passed. Now, my hon. friend the Member for Middlesex has just presented a petition requiring that the general practitioners should be incorporated. I have, Sir, given my most anxious consideration to that subject; and, at all events, I am desirous not to pledge myself to the adoption of any such measure, till the profession at large shall have had an opportunity of considering the very important alterations made in the Bill which I am now opening to the House. I had proposed to repeal the Apothecaries' Act, and thereby, for the purposes of medicine, to leave the Apothecaries' Company to act only as a guild of druggists. I have now departed from that intention, and I do not now propose to repeal the Apothecaries' Act. I should most deeply regret the separation of the general practitioners from the College of Surgeons. That might in some degree have been the consequence of the measure as it was proposed last year; but I think that evil has been met by the proposition that no one shall be able

to qualify as a surgeon without having previously become a licentiate in medicine. I will not now anticipate a discussion on the new charter granted to the College of Surgeons: that there are defects in it I am fully aware; but when I introduced, for the first time, a particular order into that body, which existed in every other college in England, Scotland, and Ireland, namely, the order of Fellows of the College, it was necessary that I should create a constituency for the election of the Council, and it was also necessary that this constituency should in the first instance be nominated. I only state the difficulty in the recent change; but I now hope that the general practitioners and the College of Surgeons will be in a more close and honourable connexion than at any antecedent period. Now, reserving to myself the right of advising the Crown to grant a Charter of Incorporation to the general practitioners, and stating that I shall be ready to give that advice if I shall deem it desirable, I may say, that I am most anxious to sustain the station the honour, and the attainments of the general practitioners. I believe them to be one of the most useful bodies of men in this country. In large cities, where the numbers are great, a division of labour is not only possible, but it is also desirable, for it leads to increased qualifications and greater remuneration; in great cities the division of the profession into physician, surgeon, and general practitioner, arises by the force of circumstances; but we have to consider the interest of the community at large, and we know that the great body of the rural population must look to the general practitioner; and so far it is desirable for the interests of the public that we should use all our power to uphold the character, the station, and the attainments of the general practitioner. These, Sir, are my decided opinions; and, entertaining these opinions, I doubt whether we should be doing good, and should advance the honour and the character of the general practitioners, by dissolving the connexion between them and the College of Surgeons, and by giving them an institution which might be as good in time as the College of Surgeons, but which would be wholly new—a College of General Practitioners. I am anxious that the alterations I propose should tend to promote the spirit of conciliation; and I am ready to consult as far as I can the feelings and wishes of the whole body of general practitioners. They will have an opportunity of con-

sidering the changes I have made, and of reviewing the requisition they have made for a new Charter of Incorporation. I shall be delighted if the result shall be that they will withdraw that requisition, and, as a consequence, form a close alliance with the College of Surgeons—a great and noble institution, which, with all its defects, has produced some of the most eminent and best surgeons in Europe; which possesses, at this moment, the finest museum in Europe, and one of the most renowned collections in physiology. It is impossible that such a connexion can carry with it any other effect than honour and distinction to the general practitioner; and I cannot anticipate any new arrangement which will be more conducive to the fair fame, the character and the station of the general practitioner. I pass on now to another alteration I propose in the Bill of last Session. It was an obvious error to provide that a gentleman seeking to be qualified as a physician should for the two years immediately preceding his examination at the College of Physicians have resided in the University. In many cases this would be found a great hindrance to attendance on Foreign Universities and to his attainment of useful knowledge by various studies in different quarters. I propose to change the necessity to two years' residence at the University after matriculation, instead of two years before examination. So also with respect to attendance on Foreign Universities; I think upon the whole it is expedient to propose that only one year's residence at a Foreign University should be required, if the student has pursued his education abroad. I now come to the general constitution of the Council, and it is a point of great importance. If, Sir, I filled any other situation than that which I have the honour to hold, I should perhaps have ventured to propose some alteration in the Bill in this respect. It is my opinion that it would lead to far greater safety if there were left to the Executive Government, acting on its responsibility in Parliament, the power of nominating the entire Council. I think there are evils arising from the election of Members by the general medical body, which would thus be avoided; but having proposed a mixed scheme of nomination and of election, on the whole I adhere to the proposition as it was introduced in the Bill of last Session. That point may still be open for discussion; but I beg to state distinctly that, in reserving to the Crown the nomination of six Mem-

bers of the Council, I do not introduce that provision, without stating that any advice I may give to the Crown will be with the view of introducing into the Council a portion of general practitioners, and a portion also of country practitioners. Upon that point I am clear, that the general practitioners and the country practitioners have a right to be represented in the Council. There was also in the Bill of last year an omission which I propose to supply. There was no power given to the Council to remove a person from the register in case of any flagrant misconduct. I propose now to invest the Council with power to remove from the register all parties who may be convicted in a Court of Law of any criminal offence, or who have used any false or simulated testimonials to obtain admission. One other alteration I propose in a provision of the Bill, which arose from a misconception on my part last year. I proposed to give the Faculty of Physicians and Surgeons of Glasgow equal power of licensing with the Faculty of Physicians and Surgeons of Edinburgh. I made that proposition in the belief that the Faculty of Physicians and Surgeons in Glasgow had in the four counties adjacent to that city power to license practitioners both in surgery and medicine; but by subsequent information I have discovered that they have no power to grant licenses for practising medicine. The question has been directly raised before a Court of Law, and it has been determined that they have not such power. I made the proposition on a false conception of their power, and on the whole I think it better to withdraw that provision, and to give the sole power of licensing to the Colleges of Physicians and Surgeons in Edinburgh. I am not aware that there is any other change proposed in the Bill, which I have omitted to state to the House. I have recapitulated the various provisions of the original Bill, and I have pointed out those alterations I intend to make, which, so far from being at variance with any of the objects of the original measure, are quite consistent with them, and conducive to their accomplishment. I have endeavoured to meet fairly the objections of the great body of medical men who have canvassed my measure. I do not complain in the least of the severity of criticism to which it was subjected. I was only anxious to avail myself of the knowledge of the subject which that criticism disclosed. I do now commit the Bill to

the candid consideration of the profession and the public. I certainly have taken a calm and dispassionate view of the whole subject, with only one desire—to promote the interests, not of the profession only, but also of the public. No labour I have bestowed on it will be thrown away in the least degree if that object shall be gained; and I certainly lay this Bill in its amended form before the House in the confident hope and expectation that this Session will not close without some measure receiving the sanction of Parliament which shall better regulate medical practice throughout the United Kingdom. The right hon. Baronet concluded by moving for leave to bring in a Bill for regulating the profession of physic and surgery.

Mr. Wakley: I have heard with very great satisfaction the statement of the right hon. Baronet, and I earnestly hope and really believe that the difficulties which beset this subject will be amicably arranged and finally settled. The right hon. Gentleman has shown by the alterations he has proposed that he is most anxious to consider every matter mooted by the general practitioners and the profession. I believe the right hon. Gentleman and the Government to which he belongs could be scarcely aware of the difficulties by which this subject is encompassed. There are so many various interests, so many laws affecting the profession, so many rights conferred by those different laws, in some instances opposed apparently to every principle of sense and reason, that more difficulties were in fact connected with this subject than almost any other requiring the legislative interference of the House. Sir, I must say, I felt very strongly opposed to the other Bill. I considered some portions of it most objectionable; but I do not now wish to refer to those topics of difference. I am so satisfied that the right hon. Gentleman, from the alterations he has proposed, is anxious to conciliate all parties in the profession, and to listen attentively and deliberately to the various suggestions that may be made, that I have only now to request that he will not propose the second reading of the Bill at an early period, but give time for the most mature consideration of its provisions by the profession. If the right hon. Gentleman will only pursue the course he has taken, he will receive, I can assure him, the gratitude of one of the most important bodies of men to be found in this country.

Sir J. Graham had heard with satisfaction the speech of the hon. Gentleman, who had met his proposition in a spirit of calmness and temper that was perfectly satisfactory. He certainly would not propose the second reading of the Bill until after Easter.

Leave given.

Sir J. Graham moved for leave to bring in a Bill for enabling Her Majesty to grant new Charters to certain Colleges of Physicians and Surgeons, which, he said, would serve to render more efficient the operation of the measure he had just now obtained leave to introduce. So far from rendering these bodies more close, the intended Charter would render them more open. He would be quite ready to lay on the Table copies of the four Charters proposed to be granted to the Colleges of Physicians in London, Dublin, and Edinburgh, and to the College of Surgeons in Edinburgh, and then, taking them in connexion with the other Bill, the House would have an opportunity of judging of the entire scheme.

Leave given.

Both Bills were brought in and read a first time.

APPOINTMENT OF LORD LUCAN.] Mr. *Bellw* rose in pursuance of the Motion of which he had given notice—

"That there be laid before this House a Return of any Correspondence which took place in the years 1842, 1843, and 1844, between the Lord Chancellor of Ireland and the Earl of Lucan, relative to the dismissal of the latter from, and subsequent restoration to, the Magistracy: also for a Copy of the Commission appointing the said Earl of Lucan Lord Lieutenant of the County of Mayo."

The noble Lord was dismissed from the magistracy not more than two years ago, and, presuming the circumstances still in force which led to that dismissal, that nothing in fact had occurred to better his Lordship's case, it appeared to him that the recent conduct of the Government towards his Lordship must be wrong. The House had recently been occupied with matters of great public interest, and the present might appear but of comparatively small consequence; but he could assure the House that in that part of Ireland where the events to which he was about to call attention had occurred, the interest excited was quite as great as that which had been attracted to great public questions here. The House had always acted with

promptitude on all occasions when charges were made against parties holding a public office in this country. Very recently the conduct of a magistrate had come in question, and twenty-four hours had not elapsed before it was brought under the notice of that House. There was also a case last year in which a Lord Lieutenant of a county was concerned. He referred to the case of "*The Queen and Humphries v. the Duke of Marlborough*," and this case was immediately referred to the cognizance of the Solicitor General. He hoped the same promptitude would be shown in cases of a similar character which related to public men in Ireland, and he trusted the case of Lord Lucan would meet with similar attention to that which had been conferred on cases to which he had just referred. Previously to entering upon Lord Lucan's case, he would briefly refer to another matter in which Lord Chancellor Sugden was concerned, and he was bound to say that he thought the learned Lord in the affair was a very ill-used individual. He begged to be allowed to say that he had not the smallest intention of entering upon questions of Government policy—all he wanted to show was, that it was very difficult to understand the principle upon which appointments were made in Ireland. He would just glance at the dismissals from the magistracy that had taken place. The first was that of Lord French—it was difficult to understand the principle which had prompted dismissal in this and in other cases. The subject of these dismissals had already undergone discussion in both Houses of Parliament. In the case of the dismissal of Lord Lucan the same course was adopted—the subject was canvassed, and the cause of his Lordship's dismissal was made public. He trusted that the grounds on which his Lordship had been reinstated would also appear in the correspondence which he was about to move for. With regard to the noble Lord he begged to say he had no personal knowledge of his Lordship; he had no personal motive in bringing forward this question. The only feeling which guided him was the desire of doing justice to the public, and seeing that justice was properly administered in Ireland. He had no intention of canvassing the propriety of the dismissal both of Lord Lucan and Mr. O'Malley from the magistracy. It was sufficient for his purpose that enough appeared on Lord Lucan's own showing to warrant their dismissals, and

this rendered him quite unable to comprehend how the reinstatement of his Lordship could redound to the credit of the Government. From the statements which were made public in the correspondence between Lord Chancellor Sugden and Lord Lucan, it appeared that the terms "blackguard" and "miscreant" had been used in open Court by Lord Lucan and Mr. O'Malley to each other. After the dismissals had taken place, he found that one party was restored to the magistracy, and the other appointed to the dignity of head of the magistracy of the county. Now, if the statement of Lord Lucan to the Lord Chancellor was correct, then Mr. O'Malley ought not to have been restored; and if Mr. O'Malley's statement was correct, Lord Lucan ought not to have been placed in the honourable post he now filled. What he wished more particularly to direct the attention of the House to was an extract from the letter written to Lord Lucan at the request of Lord Chancellor Sugden. The letter was to the effect, that the Lord Chancellor having considered all the circumstances, had come to the painful conclusion that two magistrates, on the same Bench, in the characters of prosecutor and defendant, had used language towards each other which could not be justified, and which exhibited that want of respect to the law which, unfortunately, too much prevailed—and that it was impossible to have due respect paid to the Court as long as they were privileged to sit there as magistrates. It would appear Lord Lucan had said, that from certain expressions used by the noble Lord the late Secretary for Ireland, that he could not be persuaded that the act of Lord Chancellor Sugden had received the approbation of that noble Lord. That noble Lord was known to be the expositor of the policy of the right hon. Baronet opposite, and he recollected the right hon. Baronet stating that the conduct of that noble Lord had met with his entire approbation. The conduct of the Lord Chancellor had been approved by Lord Eliot, by Lord Wharnccliffe, and also by Lord Lyndhurst. Notwithstanding this, it would appear that this very same Lord Lucan had been appointed to preside over the Bench of magistrates of that very county from which two years previously he had been dismissed, and who was considered by the great authorities he had mentioned as unfit to be even a private member of the magistracy. It could not be

said that the Government had no choice. They might have selected Lord Sligo, a Nobleman who had taken no active part in politics, but had, nevertheless, taken great interest in the improvement of the condition of his tenantry. There were also many other influential noblemen and gentlemen in the county from among whom they might have selected a fit and proper person to fill the office. The present Secretary for Ireland had said, that Ireland was an integral part of the Empire, and was to be legislated for in the same manner as Lancashire or Yorkshire—that the conciliation of Ireland was necessary in every respect, while, at the same time, the Union was to be maintained, the Church upheld, and the law respected. He uttered the words that the law was to be respected at the very moment when this appointment was made, as if in complete mockery of what the hon. Gentleman said. Enactments were of little use, if the administration of the law was not respected. There was a great difference between this country and Ireland in this point. It was not that there was less crime in this country, but it was that there was here no sympathy for the evil-doer, and that the law was fairly and justly administered without respect of persons. The result of the appointment in question would produce a contrary impression in Ireland. Respect for the law in that country was a feeling but recently created. Lord Wellesley, by establishing Petty Sessions, and Lord Normanby, by appointing Stipendiary Magistrates, might be said to have called the feeling of respect for the law into existence. He could assure the House that this was a matter of grave and serious importance. It was of the last importance that the unpaid magistracy should be above all suspicion. He had no further observations to make; but he could not help stating that it appeared from Lord Lucan's own statement, that for two years previous to his having been dismissed he had not acted as a magistrate, and that since he had been restored he had never sat on the Bench. The hon. Member concluded by submitting his Motion.

Sir T. Fremantle had no objection to the Papers moved for by the hon. Gentleman. It was perfectly well known that the noble Lord in question had himself moved for them in another place, and had given notice of a Motion on the subject of this inquiry. The hon. Member, at the commencement of his speech, spoke of the jealousy with which the conduct of magis-

trates was regarded in this country, and proceeded to draw an invidious comparison between the course taken by the Government of Ireland in this respect, and that taken by the Government of this country. He thought, however, that the hon. Gentleman had been extremely unfortunate in the instances which he adduced in support of his assertion; because, first of all, he adverted to the case of the noble Duke the Lord Lieutenant of the county of Oxford, and stated that when certain charges had been made against him, he proceeded to a court of justice, and vindicated himself. It appeared, then, that Government took no notice of that transaction, but left the noble Duke to vindicate his character in a court of justice. It appeared, therefore, that the vigilance exercised on the part of the present Government, with respect to the administration of justice and the surveillance of the magistracy in Ireland, was not worse than it was in England. That, in fact, a similar attention was paid by the Government to this matter in both countries. So much the hon. Gentleman opposite seemed to admit. But, in bringing forward the present case, the hon. Gentleman had not thought it necessary to go into the details of the circumstances and the transactions which had occurred at Castlebar, and out of which the present matter had arisen; and, indeed, he (Sir T. Fremantle) was glad that the hon. Member had abstained from so doing, as it relieved him also from the necessity of going into the case. The hon. Gentleman had only said that the Lord Chancellor of Ireland had thought it necessary to dismiss Lord Lucan from the magistracy, and that the Government of Ireland had supported the Lord Chancellor in that dismissal. But this was not the entire case. The question had been argued in the House of Lords, and Members of the Government in that House had there stated that they shared the responsibility of the Lord Chancellor of Ireland in the course he had pursued on this occasion. Then the hon. Gentleman, having assumed that it was right that Lord Lucan should be dismissed from the magistracy, had also jumped to the conclusion that it was highly improper that he should be subsequently raised to the Lord Lieutenancy of the county. In stating all this, however, the hon. Gentleman opposite had entirely passed over all the intervening grounds and circumstances

which induced the same Lord Chancellor who had thought it his duty to dismiss Lord Lucan, to conceive it likewise his duty to reinstate that nobleman. Now, certainly if the hon. Member opposite had thought it right to have the Lord Chancellor for an authority in support of the case he was making out, in the first instance, surely it was open to him (Sir T. Fremantle), to claim the benefit of the same high authority. He was prepared to contend that the Lord Chancellor of Ireland was perfectly justified in reinstating Lord Lucan in the Commission of the Peace. That reinstatement had accordingly taken place; and he was, moreover, prepared to contend that what had occurred before the dismissal might be very fairly forgotten, and that the noble Lord could stand as a magistrate in as fair a position as he had stood before. Was it to be contended for, that an accidental error like that of which Lord Lucan had been guilty, the use of a single intemperate or hasty word, under circumstances of the greatest provocation, and that offence having been visited by those in authority with the highest punishment which such an offence could receive—was it to be contended, he repeated, that such an offence should be considered a bar against the noble Lord for the rest of his natural life; a stigma for ever, and that it should prevent him from ever after acting in the service of Her Majesty? The hon. Gentleman had stated that he (Sir T. Fremantle) had spoken on a recent occasion of conciliation towards Ireland, and that he had professed his disposition to assist in maintaining and creating a respect for the law in that country. The hon. Gentleman had, moreover, gone on to assert that the acts of the Government in the conduct of the prosecution of the case against Mr. O'Connell were in direct contradiction to the statements which he (Sir T. Fremantle) had so put forth. He contended that such was not the case. The Government had come forward to vindicate the law; and the sentence they had passed upon the noble Lord now in question, on a former occasion, was also calculated to vindicate the law and purify the administration of justice in the eyes of the people of Ireland. And though the noble Lord had been reinstated, the mere circumstance of his dismissal would impress on the minds of the magistracy of that country, as well as of the people generally, the determination of

the present Government to preserve and secure the proper administration of justice. From the commencement of the proceedings on [the day when the altercation took place between Lord Lucan and the other party concerned, this latter individual, by his offensive gesture and manner, as well as by his language, had provoked Lord Lucan to use an improper expression. Now, when a discussion had occurred in another place with respect to this matter, opinions had been expressed by persons not connected with the Government, to the effect that the sentence passed upon that noble Lord had been too severe, and disproportionate to the offence of which he was guilty. It had been admitted that great provocation had been given to Lord Lucan—provocation, indeed, sufficiently great to justify what had passed. Would the hon. Gentleman opposite take the opinion of the Marquess of Clanricarde? The noble Marquess had thought the offence was not such as to merit that, the greatest punishment which could be inflicted for its commission. Lord Brougham too had said that, after the explanation which had been given of the case, not the slightest stigma rested on the character of the noble Lord in his capacity of a nobleman, a magistrate, or a gentleman; and Lord Campbell had observed with respect to the conduct of the Lord Chancellor of Ireland that, though he did not agree with all that distinguished functionary's acts, yet he did in most of them; and he could not but say that he had fallen into error in dismissing Lord Lucan from the magistracy. The noble Lord had been reinstated in the situation he had formerly held before his present appointment, and no imputation could rest upon the Government on that account.

Mr. M. J. O'Connell rose to express his sincere regret at finding that the professions of kindly feeling and conciliatory conduct towards Ireland, which were made so recently by the right hon. Gentleman (Sir T. Fremantle) on the hustings—professions which were still fresh in the minds of the Irish people—were followed up by the strange practical commentary they had witnessed to-night. That the right hon. Gentleman should (with the recollection of those professions fresh in his memory) have come forward to justify the extraordinary conduct of the Government was to him astonishing. He would appeal to the English Members pre-

sent, whether, if an English magistrate had been dismissed from the Commission of the Peace for a gross insult offered in a Court of Justice to another magistrate (neither of them certainly acting in his capacity as a magistrate at the time), and that in two years from his dismissal, or even less, he was not only reinstated, but placed at the head of the whole list of magistracy as the Lord Lieutenant of that county; he appealed to them, would any of them bear that?—would any of them bear that? He asked them for the third time, would any of them bear that? [Lord Ingestre: Hear, hear!] The noble Lord the Member for Staffordshire then stood alone in that feeling. Was there another among them who would bear it? The Irish people were sometimes accused of over-sensitiveness; but with such acts passing before them—with such acts committed within their daily experience, and justified by a Government professing to be wishful to rule upon principles of conciliation—could they wonder that the Irish were occasionally rather more sensitive than they found convenient? But the right hon. Gentleman had talked of magisterial delinquency, watched over with great exactness by the Government of Ireland. He (Mr. M. J. O'Connell) supposed that he was one of the delinquent magistrates so hinted at. Yet he had held the Commission of the Peace for eight years, and he had been dismissed from it under circumstances which made him feel that dismissal to be no dishonour. He was dismissed for no misconduct on the Bench, but simply for having given expression to his political feelings. If delinquents in politics were to be so carefully watched, and delinquents in conduct in Courts of Justice were not only to be forgiven, but within a short time to be promoted, they could not wonder if there was no great confidence entertained by the Irish people in their justice. The right hon. Gentleman had said, that the hon. Member for Louth had assumed the Lord Chancellor to be right in his dismissal of Lord Lucan. Assumed it! Were they going back from their defence of their Colleague, of the conduct of Lord Chancellor Sugden, when he stated that the magistrates guilty of such a contempt of Court as that in question, ought not to continue in the Commission of the Peace, and that he felt it to be his duty to remove them both.

The right hon. Baronet had spoken of Lord Lucan's apology and his regret for what had taken place. Was it since his dismissal that these expressions of apology and regret had been used? In the correspondence produced in another place, Lord Lucan stated that he had expressed his regret for what had occurred before he was dismissed. Had he made any further apology since? No, none that he (Mr. M. J. O'Connell) had ever heard of. On the contrary, had he not said in the House of Lords on the 10th of August last, that his dismissal was the greatest injustice, an injustice which could not be exceeded, unless by the re-appointment of Mr. O'Malley with him? Yet, after all, they were both thus restored to the magistracy together. That speech of Lord Lucan's was a violent attack upon the noble Lord the then Irish Secretary, now the Earl of St. Germans. Had Government now thrown overboard their late Colleague? Was the first appearance in his new capacity of the right hon. Gentleman, now Secretary for Ireland, to be in defence of such conduct and such principles as these? He would be allowed to refer to just one point more. The magisterial acts of Lord Lucan would have afforded just cause for his not receiving his recent promotion, but he would call attention to his last public appearance. That was on the occasion of his having refused to grant a lease for building ground in the town of Castlebar, for the purpose of erecting a convent for an establishment of the Sisters of Charity. He understood the sneer of the noble Lord the Member for Berkshire, when he mentioned the subject. It was a sneer at which he could not but feel indignant, and if the noble Lord were attached to the religion he professed, such a refusal to those having such claims to what they requested ought to have given rise to other feelings and gestures. But to return. Lord Lucan refused to grant the lease on a ground which was but the subterfuge of a bigot afraid to avow his sentiments. He said that he must decline to grant it, because he considered such establishments to be by statute illegal. The parties in communication with his Lordship immediately wrote to him to assure him that he was in error—that under the Act which he had alluded to, although such religious societies composed of males were illegal, yet that by its provisions female religious establishments

were not interfered with. He then wrote back to say that he considered the spirit of the one as bad as that of the other; and that though he had at first dwelt on the letter of the law, he now preferred to act upon its spirit; thus bearing the full bigotry of his refusal to the Irish people. He told the Government that, if they meant their words to be anything more than mere words—if they had any intention to carry out the principles of conciliation which they professed, this one act should have made them pause before they proceeded to permit this man—the expression of his bigotry still fresh from his pen, and that expression, too, not an honest and a manly one, but sneaking and underhand, and as such an expression which even those who agreed with its author must despise, and those who did not agree with him must hate—he told the Government that such an act, such an expression, should have made them pause ere they permitted such a man to assume the head of the magistracy. It was all very well to talk of their intentions towards Ireland. But the opportunities of legislating for its benefit which they would have would be but few and far between; while, on the other hand, their administrative measures came into collision with the people's feelings and wishes, week by week, and day by day. It would be of no avail to promise benefits which could not come oftener than once or twice a year, if day after day the Irish people were to be galled by seeing men of this class promoted—men with no fair claim on the confidence of Government, called on to administer more annoyance to their feelings in months, than years of legislation could do away with. They should know—however low might be the opinion which they formed of Irish sense or Irish intellect—that his countrymen had keenness and perception enough to judge between the sort of movement going on now, that kind of vacillation dignified by the name of the policy of the Government to Ireland, making one futile step to annoy the Orange party, and another to provoke the great bulk of the Catholic population. They had acuteness enough to distinguish between what he had described, and the course of even-handed rectitude—they could tell the vacillation of indecision from the steady policy which true justice would pursue.

Mr. T. C. Smith (the Attorney General)

for Ireland) said, he thought it was desirable that the circumstances under which the Earl of Lucan had been dismissed from the magistracy should be fully known to the House. The noble Earl had been dismissed from the Commission of the Peace at the latter end of the year 1842, and in the course of the Session of 1843 the subject had been brought under the notice of the other House of Parliament. And what had been, then, the complaint made by the opponents of Her Majesty's Government in reference to that matter? Their complaint had been that the Government had acted harshly in dismissing the Earl of Lucan. The Marquess of Clanricarde had made a complaint to that effect in the strongest terms; and Lord Campbell took a similar view of the subject. It should also be remembered that the Earl of Lucan had been restored to the Commission of the Peace towards the end of the year 1843; and yet not one word complaining of that restoration had been uttered during the last Session of Parliament. Lord Campbell had even taken occasion to say, that the noble Earl had only been restored to a position from which he ought never to have been removed. It was certainly rather strange that the Government should first be attacked because they had dismissed Lord Lucan from the Commission of the Peace, and that they should afterwards have been attacked for having appointed him to another office. It was no matter what the Government did, it was always turned into a ground of complaint. Now, he was anxious that the English people should understand what these appeals to them really were. He was not about to justify Lord Lucan's conduct; but he trusted that when the circumstances under which he was placed, and the provocation offered to him, were taken into consideration—although there might be some hon. Members ready to cast the first stone—there was scarcely one among them who would not have given way to feelings of irritation. What was the transaction? It appeared, that two years previous to the transaction, Lord Lucan removed Mr. O'Malley from the office which he had held under his Lordship's father. From that time Mr. O'Malley adopted a constant system of annoyance towards Lord Lucan, manifestly for the purpose of irritating him. Among other things, it appeared, that he had been in the habit of trespassing on his estate in quest of game; although repeatedly warned to desist. On

one occasion, he spoke to his Lordship's gamekeeper in the most offensive terms of Lord Lucan, and this was the origin of the case at the Petty Sessions. On that occasion, Lord Lucan was sitting on the Bench, but had not attended with the view of taking any part in the proceedings, and this he stated on the authority of the *Mayo Telegraph*, a newspaper politically opposed to his Lordship, in which it was stated that he attended at the Sessions, in company with his land agent, Mr. Ormsby, and four officers of the 47th Regiment, stationed at Castlebar, who were seated between Lord Lucan and the Bench. The right hon. and learned Gentleman then went through the facts of the case, and called attention to that part of it in which Mr. O'Malley asked Lord Lucan whether he was there in a judicial capacity, and upon his refusal to answer, stated that he could not find language sufficiently strong to express his contempt for his Lordship, and that his contempt for him exceeded his contempt for any other man. Now, he asked any hon. Member whether such language, addressed to Lord Lucan in open Court, in the presence of four military gentlemen, was not sufficient to excite the feelings of any man? Was no allowance to be made for feeling? He felt quite certain, at all events, that the people of England would not think that Her Majesty's Government had acted wrongly under the circumstances, or that Lord Lucan was disqualified, by what had taken place, from holding the appointment conferred on him.

Mr. Ross: He did not mean to defend Mr. O'Malley's conduct, who, no doubt, acted under irritated feelings. But the Attorney General for Ireland had taken a brief in this case against the Lord Chancellor. His argument went the length of proving the Chancellor to have been wrong in ever removing Lord Lucan. How did that square with the right hon. Secretary's (Sir T. Fremantle's) view of the case, who insisted on a strange infallibility for the Chancellor, who, he said, was perfectly right not only in removing, but in restoring Lord Lucan. The doctrine laid down in that debate struck him as exceedingly strange. It appeared that magistrates were to undergo a species of rustication, and that, like youths at our universities, they were to be sent away for a time, on account of their irregularities, and then restored to their dignity. That was not the case with political

offences. Men, like his hon. Friend (Mr. M. J. O'Connell), one of the most unimpeachable characters, who had administered justice to the perfect satisfaction of their countrymen, were swept away in scores from the Commission of the Peace, on account of the honest expression of a political opinion. This was gross injustice. He was sure the people of Ireland would regard the present case as a repetition of that which he had brought forward last year—namely the case of Mr. O'Driscoll.

Motion agreed to.

House adjourned at one o'clock.

HOUSE OF COMMONS,

Wednesday, February 26, 1845.

MINUTES.] NEW MEMBER SWORN.—For Cornwall (Eastern Division), William Henry Pole Carew, Esq.

BILLS. *Public.*—1°. Justices Clerks and Clerks of the Peace.

Private.—1°. Blackburn, Burnley, Accrington, and Colne Extension Railway; Chester and Holyhead Railway; Guildford, Chichester, and Portsmouth Railway; Wakefield, Pontefract, and Goole Railway; Eastern Counties Railway (Cambridge and Huntingdon Line); Birmingham and Staffordshire Gas Light Company; Taunton Gas; Birkenhead (Company's) Docks; Eastern Counties Railway (Ely and Whittlesea Deviation); Devonport Gas and Coke Company.

PETITIONS PRESENTED. By Mr. Plumtre, from Ronaldkirk, against further Grant for Education (Ireland).—By Mr. Blakemore, from Dean and Chapter of Wells, against Union of St. Asaph and Bangor.—By Sir J. Trollope, from Spalding, for Relief from Taxation (Agriculture).—By Lord J. Manners, from Newark, Mr. Plumtre, from Ramsgate, and Mr. Roebuck, from King's Lynn, against Renewal of Property Tax Act.—By Viscount Howick, from Alnwick, and from Oakham, against Medical Practice Bill; and by Mr. Nicholl, from Cardiff, for Alteration of same.—By Mr. Plumtre, from Margate, against Increase in Military Establishments.—By Mr. Bailey, from Worcester Union, for Alteration of Parochial Settlement Bill.—By Mr. Morrison, from Nairn, for Alteration of Prisons (Scotland) Act.—By Mr. Plumtre, from Margate, for Alteration of Law of Promiscuous Intercourse.—From Brough, and by Earl of Arundel, from Banwell, for diminishing Public Houses.—By Lord Ashley, from National Temperance Society, respecting Intemperance of Railway Labourers.—By Mr. Roebuck, from Lambeth, for Redemption of Tolls on Metropolitan Bridges.

BISHOPRIC OF BATH AND WELLS.]

Mr. Collett rose to put the questions to the right hon. Baronet at the head of the Government, of which he gave notice yesterday. The first question was, "whether it is intended to appoint another Bishop of Bath and Wells during the life of the present incumbent, whose duties are now and have for some time past been performed by the Bishop of Salisbury?" In the event of receiving an answer in the negative, his second question was, "whether at the death of the present Bishop it is intended to appoint another Bishop of

Bath and Wells, or to unite that diocese with the diocese of Salisbury?"

Sir R. Peel begged to thank the hon. Member for the very distinct notice he had given him as to his questions, which he would endeavour to answer as distinctly. To the first he would answer, that it was not in the power of the Government to appoint another Bishop to the see of Bath and Wells during the incumbency of the present Bishop. His answer to that question, therefore, must be decidedly in the negative. To the second question, his answer was, that on the decease of the present right rev. Prelate it would be the duty of Government to advise Her Majesty to appoint another to the see without delay.

GRAVEYARDS IN THE METROPOLIS.]

Sir P. Egerton wished to draw the attention of his right hon. Friend the Home Secretary to some very shocking circumstances stated in the newspapers of that day, as having come out in evidence before one of the police magistrates. It was said, that in a crowded churchyard belonging to Clerkenwell, it was the custom to inter bodies brought for burial, but this interment was only *pro tempore*; for after a few days they were disinterred, chopped up with a large spade, and, being thus cut to pieces, were burnt in the bonehouse. He was sure that his right hon. Friend the Home Secretary would take every step in his power to put an end to a practice so disgusting and so injurious to the health of the locality in which it existed.

Sir J. Graham said, that up to the statement just made by his hon. Friend, he had never heard of the horrid circumstances which he referred to. He certainly should feel it his duty to make inquiries on the subject, though he thought there would be some difficulty in removing the cause of the evil.

SUGAR DUTIES.] On the question that the Order of the Day for going into Committee of Ways and Means be read,

Lord J. Russell rose and said: Sir, I believe the House cannot but feel that the question brought forward for our consideration by the right hon. Gentleman the Chancellor of the Exchequer is one of the greatest importance, both in a commercial and a financial point of view. The right hon. Gentleman the First Lord of the

Treasury, in proposing his plan to the House, laid down these two propositions:—first, that it was desirable and necessary to renew the Income Tax for a limited period; and, secondly, that the use to be made of the surplus revenue thus acquired, or at least a part of it, should be the relief of the country from certain taxes, and to the benefit of trade and commerce. With respect to the first of these propositions, this House has already, by a great majority, agreed to the renewal of the Income Tax, thereby declaring that, if the other alterations of taxes and duties about to be proposed shall appear to this House to be the best that could be proposed, the House has no objection to try the experiment proposed by the right hon. Baronet at the head of Her Majesty's Government. But with respect to the second proposition, that appears to me to be one of such vast importance, as to require a second and most deliberate consideration; more especially with respect to those articles which were of the greatest importance, as being articles of general consumption. The first article upon which the Government asks the opinion of the House is that of sugar; and it would appear to me—although it has not been positively so stated—that the views of the Government are to endeavour to make such an alteration as will place our duties upon sugar for some time in a condition that they should not be lightly altered. If that be the proposition of the Government, this House ought to feel that certain conditions are necessary to be complied with in the plan they propose. The first condition would be that the plan should be agreeable to sound principles; that it should not be inconsistent or contradictory; and should not take from the consumer a greater amount of tax than is absolutely necessary for the purposes of revenue. Now, Sir, the first objection I have to this plan is, that it professes to keep up a distinction which I think is, in fact, impracticable and illusory—a distinction between Foreign free-labour and Foreign slave-labour sugar. That that project is illusory seems to me so plain, that if it were not that the plan of the Government contemplates its adoption, I should hardly attempt to detain the House to prove so obvious a proposition. When we discussed this question last year, certain answers were made to the proposal which I submitted to the House—namely, that all Foreign sugars should pay the same duty. I on the present occasion think it

necessary to take notice of those answers. I considered this distinction between Foreign free-labour grown sugar and slave-labour grown sugar illusory; because in regard to other articles of slave produce you have no objection to admit them into this country. You take coffee, tobacco, and cotton, which are the produce of slave labour, as readily as those articles which are the produce of free labour. It was answered that you did not propose to interfere with the trade in those articles, nor to disturb the system of commerce which had been so long established; but that in respect to any new scheme, the distinction between slave labour and free labour ought to be kept in view. But this answer is not agreeable to the fact. The alterations made in the duties last year, and those alterations proposed to be made in the present year, in respect to these articles, show no distinction between slave labour and free labour. On coffee the duty was reduced from *8d.* to *6d.* equally upon slave-grown coffee and free-labour coffee. Then with regard to copper ore, you have proposed next year to admit Foreign copper ore, the produce of slave labour, free of duty; and with respect to cotton, you propose to take off the entire duty this year. You do not propose to make any distinction between the cotton that comes from the States of America, the produce of slave labour, and that which is raised in the East Indies and elsewhere by free labour. On the contrary, I have always found that those who are the greatest opponents to slavery, and who are the philanthropic advocates of freedom to the human race, have maintained the principle of admitting the articles I have just mentioned upon equal terms; for while they say we cannot exclude altogether the products of slave labour, yet many of them regard with dissatisfaction the encouragement which is given to slave-grown coffee and cotton. In the next place, it was argued that you did not in practice encourage slave-labour sugar, because you admitted, and professed to admit, the sugar of those countries which was the produce of free labour. But if this distinction of the two growths could be kept up, and if the Custom House regulations were so accurately observed that none but free-labour sugar should be admitted, yet even then you would do nothing more than this—you would abstract from the other markets of the world a certain quantity of free-labour sugar, which would be supplied

by slave-labour sugar; therefore you would be as much encouraging slave-labour sugar as if you were to admit it directly into this country. The reply to this argument was certainly of a very refined nature, but I own it was not a very successful reply. You said that by this distinction you would give to the free-labour sugar of Java a better price than would be given for slave-labour sugar. Now, Sir, I cannot think that this would be the case. Let us assume that the produce of Foreign free-labour sugar is 67,000 tons, and that you take 20,000 tons of this for your consumption, this will reduce the quantity to be consumed on the Continent. Now, there is no difference made in the duty by the Continental States between sugar the produce of free labour, and that which is the produce of slave labour; the probability, therefore, would be that these 20,000 tons which you abstracted from the markets of the world would be supplied by Cuba and Brazil, being the produce of slave labour. But in the next place there is this difficulty, that you cannot confine your consumption to free-labour sugar. You have certain treaties with Foreign countries, the produce of which you are bound to admit upon the same terms as that coming from the most favoured nations. You therefore cannot, consistently with those treaties, exclude sugar which is the produce of those countries. There are several countries which come within this category. A fact has recently occurred showing the practical operation of your law. A small quantity of sugar has been admitted into this country from Venezuela, owing to the Treaty existing between England and that State, which sugar was the produce of slave labour. I have read various statements in regard to this. Some say it has been recognised as sugar imported into Venezuela from Porto Rico, others from Surinam, and others from Brazil; but all are agreed that it was not Venezuela sugar, but sugar which, by some fraud or other, was imported into this country as Venezuela sugar. But this has happened so early that it has preceded any of those importations for the sake of which you have altered your law. If this be the case, what may you expect if for the whole next ten years, for instance, you preserve this distinction? What can you expect but this, that ingenious persons will contrive a scheme by which they will evade your regulations; and that sugar the produce of Brazil and Cuba will be

sent to the ports of Venezuela, where they may find a Consul not suspicious, and a custom-house open to bribery? By these means they will constantly evade the provisions you have made for the exclusion of the produce of countries raised otherwise than by free labour. If this be the case, I submit to you that it is impracticable to keep up this distinction. You are attempting that which is contrary to the nature of things; you are attempting that which you cannot follow in practice. I will not say there is any hypocrisy in the proposal, or that there is any mock humanity in it. I do not wish to cast any such imputations; but I contend that giving you as much credit for your good intentions as you yourselves can claim, still it is not a plan that you can carry into effect; it is impossible that your regulations can actually exclude slave-labour sugar. So long as you create a want of a supply of sugar in the market of the world, it is immaterial to them whether you yourselves purchase their sugar or not. All that they ask for is a market for their produce, and when you create that market they are satisfied. Such being one of the obvious defects of your measure—defects which I think will, from year to year—become more and more obvious and striking, I proceed next to what I consider another fault in the measure, and that is, that it rather aggravates, than otherwise, the protection which is at present given to the Colonies. I was happy to hear, the other night, the principles of free trade admitted by all who spoke on the question, except by the Vice-President of the Board of Trade. The right hon. Gentleman the Member for Newark, who so lately quitted the office of President of the Board of Trade, made a most remarkable admission on this subject. He admitted that the East Indies had no claim for protection—he admitted that nothing but the scarcity of labour in the West India Colonies, resulting from the Emancipation Act, could form a ground for protection with respect to sugar. This is a most important admission. It is most important, because it implies, that it is no reason, because sugar is the produce of our Colonies, that any protection whatever should be extended to it. [Mr. Gladstone: I did not say that these Colonies had no claim for protection. What I said was, that they had no claim to a greater protection than 10s. per cwt.] Then I misunderstood the right hon. Gentleman. I understood him to say that the Colonies

had no claim for protection. However, I will take it as he states it. Be it observed, that this declaration of the right hon. Gentleman, that they had no claim to protection beyond 10s. per cwt., narrows the question of protection very considerably, because a protection of 10s. or 10s. 6d. per cwt. as proposed, according to the right hon. Gentleman, is not required by justice with respect to 70,000 tons which come from the East Indies, neither is it required with respect to sugar from the Mauritius, where there is a sufficiency of labour. Indeed, so ample is the supply of labour said to be, that the newspapers of that island state that labourers cannot get sufficient employment. This demand of protection to the amount of 10s. 6d. does not apply either to Barbadoes or Antigua, because those Colonies have likewise a sufficiency of labour. Then the demand of protection made on behalf of the West Indies amounts only to a claim of protection for Jamaica, Trinidad, and Demerara. Now this, I must say, makes a great difference in the case; because you are proposing an equal protection of 10s. 6d. both for those who may in justice demand it, and for a great many others who have no such claim. Now, Sir, let us examine the protection which is thus proposed. My hon. Friend the Member for Manchester, in bringing forward his Motion the other night—and I find it impossible not to refer to that debate, because it is almost a part of the present question—my hon. Friend stated on that occasion that the protection given amounted to a tax of about 2,300,000*l.* on the people of the United Kingdom. My noble Friend the Member for Sunderland stated that it was a protection to that amount, and at the same time he said that there had not been a difference of above 7s. 6d. in the price of Colonial and Foreign sugar. The right hon. Gentleman the Member for Newark, to whom I must again allude, said that there was an evident inconsistency in these arguments—that if the difference was no more than that, it was impossible that the protection could now be 14s. Now, certainly, when I heard that declaration, I felt impressed with the importance of it as coming from the right hon. Gentleman; but, at the same time, I could not agree in its justice, and I will state my reasons why I think it was fallacious. What the right hon. Gentleman (Sir R. Peel) proposes is, not to continue the present importation and the present duty,

but a new importation and new rates of duty. If the present importation were to continue, and the difference of price, which was 20s. and 27s., we might say that there was only that difference in price, and that with the present rate of duty there was no great protection proposed. But let it be observed, that the protection to be given is on a consumption of 250,000 tons of sugar. The right hon. Gentleman opposite (Sir Robert Peel) assumes that the consumption of sugar will increase from 207,000 tons to 250,000 tons; and the consequence must be, that until this Foreign sugar, which is proposed to be admitted, comes into the market, the West India sugar will continue to rise in price. Therefore, supposing that the price of Foreign sugar is now at 20s., and you impose on it (which, according to the proposition of the right hon. Gentleman, would amount in quantity to 15,000 tons) a duty of 28s., then it is clear that Foreign sugar cannot come into the market at a less price than 48s. Now, supposing that the price of West India sugar is now, as it was a few weeks ago, 28s.; it will, then, by the addition of a 14s. duty, be raised to the price of 42s., and it will not be until it has risen to 48s., that Foreign sugar can be brought into the market to compete with West India sugar. If sugar be, therefore, at the price which it was a few weeks ago, the price at which it will be sold will give a protection of 14s. a cwt. to West India sugar. I think it is most necessary to remark this, because we shall obtain by it the measure of advantage which is given to the consumer, and the loss occasioned to the Revenue. It does not seem to me either arithmetically or commercially that the proposition can be controverted; namely, that one of two things may happen, either that the right hon. Gentleman (Sir Robert Peel) may be deceived in his calculation as to the amount of the consumption of sugar, and that when the price of sugar shall have risen to 30s. or 32s., the increase of consumption may stop. In that case, Foreign sugar will not be admitted into the market. None of these Foreign sugars will come in; the Revenue will not answer to the calculations of the right hon. Gentleman, and the price of West India sugar will not rise any further. But, on the other hand, if we are to suppose that 250,000 tons of sugar will be the consumption of the country, and that this alteration of the duty is made out of that 250,000 tons, there will be 15,000 tons of Foreign

sugar, charged at a 28s. duty, then by this increase of consumption there must be a rise in the price of West India sugar to the amount of 34s. And what is the effect of this reduced duty of 14s.? The present duty is 25s. 2d. If you reduce that to 14s., you make a difference of 11s. 2d., but you do not give the whole benefit of that remission to the consumers in this country. The effect of the remission, as far as I have been able to make it out, (and there have been a variety of prices,) will be about 5s. or a little more for the benefit of the consumers, and about 6s. to the West India planters and to the other colonists. Others have calculated differently. A Gentleman who has been a long while engaged in this trade, has said that he believes the reduction will give 6s. to the consumer, and about 5s. to the planter. But in whichever way you view it, there can be no doubt that the reduction of 11s. 2d. will benefit the consumer to the extent only of about one-half, and the other half will go to the exclusive benefit of the planter. It has been most truly stated by Mr. Deacon Hume and others, that this is neither more nor less than a tax upon the people of this country to the extent of 5s. or 6s., for the sole benefit of the West India planters. It is as if you were to make the whole of the duties equal, and reduce that duty to 8s., and then pay the full sum so received to the West India planters, and not one farthing into the Exchequer. It is, in fact, paying no less a sum than 1,100,000*l.* a year to the planters out of the Exchequer. It is at present a tax divided between the Exchequer and the West India planters, one part of it going to the Revenue, the other being for their benefit. But then it is said that you must give this great protection on account of the state of the West Indies, and the abolition of slavery. I could not vote for my hon. Friend the Member for Manchester the other night, because I think the West Indies have a very considerable claim upon us owing to the recent abolition of slavery. I think the recent abolition of that mode of compulsory labour makes it advisable either to have a gradual equalization of duty, or to have what is much the same thing—a protecting duty for a short time for the benefit of the planters. But let us observe what is the state of the West Indies in consequence of this very great advantage given to them. The West India labourers have had the advantage of a great degree of prosperity ever since the passing of the

Act of Emancipation. During the last year that state of prosperity was diminished, in so far as wages decreased, being, I believe, not more than 1*s.* a-day, or, at the most, about 7*s.* per week. Now, how has it been proposed to alter this state of affairs? What has taken place in the West Indies has been this:—There have been great plans for immigration, and for the admission of a great number of labourers into the West Indies, that there might be a sufficiency of labour to supply sugar to this country. But the way in which that scheme has operated has been this. Taxes have been imposed under this immigration ordinance, which have borne with great severity on the labourers. In proof of this, I hold in my hand a letter from a person who is a most remarkable man, who took an active part in the Colonies upon the subject of slavery, and who now has a most extraordinary influence over the minds of a great part of the population of Jamaica. The person to whom I allude to is Mr. Knibb, the Baptist missionary. This letter was dated December 23, 1844. Mr. Knibb says,—

“I do not believe that there is a labouring population on the face of the earth who have so patiently borne a reduction of wages as they have, and this, too, connected with an increased price of provisions, by a cruel and abominable tax on the necessities of life, imposed for the avowed purpose of raising money to increase the number of labourers, and thereby still further to curtail their comforts, and still further to reduce their wages.”

Now, this proves that the plans you propose, though they may have the effect of giving so large an amount as 1,000,000*l.* or upwards to the planters, will not have the effect of increasing the comfort or happiness of the peasantry of the West Indies. I believe that the admission of labourers from Africa to the West Indies, if conducted under regulations, and allowed to take place in small numbers, would be for the advantage both of the West Indies and of Africa. I have recorded that opinion, and I still believe both that the civilisation of Africa would be promoted by persons going from Africa to the West Indies, and that the general prosperity of the West Indies would be improved by that plan. But I own I look with very great dread to the scheme proposed for taking a great number of people from Africa to the West Indies. In the first place, I should beg the House to look back to the period of the great Act of Emancipation. Seeing the

right hon. Gentleman the Secretary of State for the Home Department, with whom I acted in the Committee which preceded that Act, in his place, I would ask him what, in his opinion, it was which made that great Act so safe and so successful an experiment as it is universally allowed to have been, so far as the peace and happiness of the people of the West Indies were concerned; but that, much to the credit of the masters, the slaves of that day had been so far brought into a state of civilization that when the Act of Emancipation took place, society fell into its natural order, and there were not any of those outbreaks or riots, or disturbances, that might have been expected from the sudden change from slavery to freedom. But be it remembered that that change took place a very considerable time, nearly thirty years, after the Slave Trade had ceased, whereby the people of the West Indies had become, to a great degree, a civilised community, and a great revolution was effected without convulsion. When I am stating this, I am aware that I am stating, and I am very glad to state, what is highly to the credit of the owners of the slaves of the West Indies. But if you are now to introduce vast numbers of Africans from the shores of Africa, if you are to take them from places where they are still in a state of barbarism, and are to transplant them by wholesale to the West Indies, and turn them at once to labour, I cannot but foresee that, in no long course of time, you will have a population whom it will be very difficult to bring into that state of civilisation which your present negro population of the West Indies are in. And yet that is the attempt you are now making. It is an attempt which I hardly think will succeed; because the great cost of carrying labourers from Africa to the West Indies is very much against it. But still the attempt is making in this way, by making large loans in Trinidad and Demerara, and taxing the people—and especially taxing the admission of their food—for the purpose of raising means to bring great numbers of people from Africa to the West Indies. Any law which you may pass in this country which has a great tendency to give a monopoly, as far as this country is concerned, to sugar the produce of the West Indian Colonies, will produce a disadvantageous effect upon people living in the West Indies. In the first place, it will tend to the oppression and disadvantage of the labouring population there. I state

this upon the authority of Mr. Knibb—a man who possesses great authority among the labouring population of the West Indies—a man of most remarkable talent, and of great influence and power. In the next place I think it would endanger the future condition of the West India Colonies, making it doubtful some twenty years hence—when we consider the immense numerical superiority of the black population over the white—whether the Colonies may not become the scene of some most frightful convulsion. And, be it observed, all this is done to keep up a system which is quite contrary to your own general principles, with regard to free trade; and it is all done at a very great expense, in order to produce an artificial price of sugar in this country, and thereby to promote, as you say, the prosperity of the West Indies. I confess it appears to me that the result must be very dangerous, and may be fatal in the end to the interests of those you are anxious to protect. But when Gentlemen speak of the additional advantage which this system of protection is to confer on the labourers in the West Indies, let them not entirely forget that there are also labourers in this country. That there are labourers employed in agriculture, and that there are artisans employed in manufactures, who also require some little consideration. I can readily conceive that a sudden and immediate reduction of all duties on Foreign produce, as compared with the produce of the West Indies, to 14s. or to 28s., alike might produce such an immediate disadvantage to the West India proprietor as to cause a great shock; but, on the other hand, if you attempt to give an additional advantage to the planters, you will put off to a still further period the time which we all hope to see arrive, when the principles of free trade shall be universally adopted. I heard the other night an hon. Gentleman who has recently become a Member of the Government (Mr. Cardwell) state that the principles of free trade were true in the abstract. That principle I believe is universally admitted; but I wish to see the practical application of those principles with regard to such great articles of consumption as those which we are now called on to consider. I now come to the results which the right hon. Baronet stated would ensue from his proposition, as far as the finances of the country were concerned. He stated that the result would be an increase in the consumption from 207,000

tons to 250,000 tons of sugar, but that by the reduction of duty he should lose 1,300,000*l.* of revenue. Now, it appears to me that, without any injury whatever to the West India Colonies, the whole of that amount of revenue might be saved. If you were to have, for instance, a duty of 20*s.* or 28*s.*; or if, reducing the duty very largely, you were to have a very small duty, or one similar to that proposed by the right hon. Baronet of 10*s.* or 12*s.* on Colonial produce, and a duty of 18*s.* or 20*s.* upon Foreign produce—you would not make any difference in the present rate of prices between the colonists and the foreign producers; but you would preserve a very great part of your income, and have the means of making other experiments. The right hon. Gentleman has proposed this experiment with regard to sugar. He might make that experiment with regard to sugar, and he might preserve the whole of the revenue, if he would but admit all Foreign sugar, and decrease the protection he proposes to give. Suppose the price of Foreign sugar to be 20*s.*, if he were to add a duty of 2*s.*, he cannot have a less price than 48*s.* If you were to have a very much less duty, it is evident that the consumer would obtain a great benefit, and you would very much increase the consumption of sugar. It is very doubtful as you now stand, whether the loss of 1,300,000*l.* will be the total loss the Revenue will sustain. Unless consumption increase at the rate the right hon. Gentleman anticipates, the loss to the Revenue will be 1,800,000*l.* or 1,900,000*l.* Now you could save that revenue, and I think I have shown that there need be no additional price to the consumer. You need not make the consumer pay a single farthing more for sugar, and at the same time you might preserve the whole of the revenue. Now, when I consider the various duties which press heavily on the consumer, which might be lightened if you had but that sum to spare as part of the surplus, I cannot think that this very great sacrifice to the West India planters is at all advisable. There are various duties of which the right hon. Gentleman has declared his disapprobation. There are duties which were mentioned when the Tariff was discussed. I will take an instance, cheese and butter. When these duties were mentioned, it was said that the duty was 30 per cent., and on some inferior descriptions of cheese 100 per cent.; and the right hon. Gentleman the late Presi-

dent of the Board of Trade said it was impossible to look to maintaining that duty. That duty was absurdly high. But the right hon. Gentleman said it was then impossible to make experiments in the Revenue, for they had no surplus to deal with, a fact which none could deny. But you are now proposing a plan which will cause a diminution of revenue of 3,330,000*l.* at the very least; if, therefore, you could keep up this duty on sugar without making the consumer pay any higher price, I think this is the opportunity you ought to take for making the experiment. There are other duties, such as those upon silk and brandy, which gave rise to a great deal of smuggling, many commodities coming in on which no duty was paid; and if the right hon. Gentleman had a surplus of 1,300,000*l.*, the experiment might have been tried whether some remedy might not have been afforded for this evil. Looking therefore at the scheme of the right hon. Baronet, I see in it a needless risk of revenue. In his speech on a former night, the right hon. Gentleman had alluded to an observation of mine, that some of the reductions were a total loss; and the right hon. Gentleman remarked upon my apparent inconsequence in asserting that though there might be a total loss to the Revenue on one article, there might be a gain upon another. I was of course aware of this; but, when considering the Revenue, it is not to be forgotten that there are a good many commodities on which the duties are very high, without a corresponding benefit to the Revenue. If there were no surplus it would be quite just for a finance Minister to say, "I cannot afford to risk the experiment;" but when there is a surplus, that seems to me the time for making the experiment I have recommended, viz., trying whether by a fair reduction of duty the whole of the revenue could not be regained. What had the right hon. Gentleman been doing instead? He was making this distinction: he was imposing a duty of 14*s.* on the productions of our own Colonies, including the Mauritius, where there was plenty of labour, and imposing a duty of 28*s.* upon part of the Foreign production of sugar which was allowed to be introduced. The consequence can only be that, while he lost more than 11*s.* on every cwt. in the reduction of duty, great part of that 11*s.* was left as a tax upon the consumer, for the benefit of a particular interest. It will be a question hereafter in the Committee,

whether it would be wiser to act as the hon. Member for Manchester (Mr. M. Gibson) proposed in his very able speech, by at once taking away all protection, or to adopt the course recommended by Lord Grenville and Mr. Huskisson, that the reduction should be gradual, so as by degrees to advance to the final adoption of the principles of free trade. It seemed to him (Lord J. Russell) obvious that the present plan of the Queen's Government, while it did not give adequate benefit to the consumer, preserved an illusory distinction between slave-grown and free-labour sugar, and risked a revenue, not for the sake of the Exchequer, not for the sake of the maintenance of the Army and Navy, but to favour a particular class, comprehending only a small portion of the people either of this country or of the Colonies. The great mass of the population here and in the West Indies could only be sufferers by the adoption of this partial and impracticable measure. The noble Lord concluded by moving the following Amendment:—

“That it is the opinion of this House, that the plan proposed by Her Majesty's Government in reference to the Sugar Duties, professes to keep up a distinction between Foreign free-labour and Foreign slave-labour Sugar, which is impracticable and illusory; and, without adequate benefit to the Consumer, tends so greatly to impair the Revenue as to render the removal of the Income and Property Tax, at the end of three years, extremely uncertain and improbable.”

The *Chancellor of the Exchequer* said: When the noble Lord first gave notice of the Motion which he has just submitted to the House, I was induced to think that it might have been the more convenient course to have entered upon the discussion after you, Sir, had left the Chair. But, having heard the speech of the noble Lord, I am bound to say, that it appears to me to embrace so great a variety of topics, not immediately connected with the Resolutions, as to make it a subject better fitted for general debate than for discussion in Committee. Feeling confident in the justice of the course which I am here to advocate, I am quite prepared to meet the noble Lord on the ground which he himself has chosen; and I can assure the House that I am prepared not only to meet him on his own ground, but also to imitate him in the tone and temper in which he discussed this question, considering the question as one of the greatest

interest both in a commercial and financial point of view. I shall forbear making any comment on the particular terms of the Resolution, and shall come at once to the substantial question at issue. The noble Lord objects to the proposition of Government, in the first place, because it is not conformable to sound principles; and he states that any attempt to draw a distinction between free-labour sugar and slave-labour sugar is impolitic and illusory. The noble Lord has disclaimed on this occasion, and very properly disclaimed, all participation in those imputations of hypocrisy usually urged against those who support the views of Government; but the noble Lord has repeated to-night most of the arguments which have been used on former occasions. He has stated that he can see no distinction between the admission of slave-labour sugar, and other articles the produce of slave labour—such as cotton, tobacco, and coffee. I admit that there is this common to all those products, that each may be cultivated by slave labour; but I must repeat what has over and over again been stated in this House, that there is a great distinction between the suffering occasioned to the slave, and the encouragement given to the Slave Trade by the application of slave labour to the cultivation of sugar, as compared with the suffering or the encouragement caused by the application of slave labour to the cultivation of the other commodities referred to by the noble Lord. Often have we been told in this House, and too truly, of the waste of human life in sugar plantations cultivated by slave labour, and of the light degree of labour required in cultivating cotton, coffee, and tobacco; and it is not to be denied, for it is matter of fact, that in recent periods the importation of negroes from Africa to Brazil and Cuba has not taken place with a view to the cultivation of cotton or tobacco, but for the express purpose of that cultivation which, while it is the most severe, is also the most profitable—the cultivation of the sugar cane. There cannot be a stronger proof of this than the intelligence which we receive from countries in which this cultivation is carried on. I hold in my hand a Report addressed by our Consul in Brazil to the noble Lord the Secretary of State for Foreign Affairs, which points out practically the state of the different plantations in that country, of coffee, cotton, and sugar, with regard to the labour employed. He says,—

“The slaves employed on sugar estates,

average one-third Creoles and two-thirds Africans, half of the latter being contraband; while in the cotton districts the Creoles average four-fifths and the Africans (almost all imported prior to 1831) one-fifth. Indeed, the sugar estates being all situated close to the coast, as you advance into the country, it is very rare to meet a newly-imported slave."

With the view of facilitating the introduction of slaves into the country, these sugar plantations were established on the coasts where the slaves could be most easily landed and employed at the greatest profit. He goes on to say,—

"Estates for want of labourers are not at present half cultivated, profits not being sufficient to induce them to add largely to the number of their slaves, by the purchase of Africans at the high price which slave traders are obliged to demand; consequently a reduction of duties, by raising the price of sugar in this market, would increase the profits afforded by its production to an amount which would incite the planter to purchase slaves adequate to the working of his engenho to the full extent of its capabilities, and must, by causing a demand for slave labour, such as would enable the importer to command his own price, give an impetus to the trade, which it is to be feared the utmost exertions of Her Majesty's Government would be insufficient to counteract."

We see, therefore, from this extract, which is in strict conformity with the intelligence we receive from other quarters, that the reason why slave labour is required in Brazil—and it is the same, I believe, in Cuba—is that it may be applied to the cultivation of sugar. It appears that the cultivation of sugar is the inducement which, in that country, leads to an extensive importation of slaves; and that where the labour is applied only to the other articles to which the noble Lord referred, incitements to the Slave Trade are not created. I will say to the noble Lord, that if we have attempted to establish any distinction between free-labour sugar and that which is the produce of slave labour, it is because we are anxious to vindicate and carry out those principles which have been so often and strenuously enunciated by the people of this country—which they have made such sacrifices to uphold—which have been so repeatedly pressed upon Parliament, and by Parliament upon the Government—which have been recognised by the Legislature, and enforced by treaties. This nation is pledged to the abolition of the Slave Trade; and if we were to adopt principles which give a direct encouragement to it, we should ourselves be

even more to blame than those who carry on that trade. The noble Lord says to us, "How futile and inoperative will be this measure which you propose; it is entirely incomplete and inefficient, because you will introduce from Foreign countries sugar which has been produced by slaves." Now what is the evidence the noble Lord himself gives of the effect of this measure, according to his own anticipations of the result? The noble Lord relies on the importation of sugar which has come from Venezuela, a country with which we have a treaty containing the most-favoured-country clause, which entitles them to the benefit of sending in their sugar on the same terms as any other most favoured country with which we have commercial relations. The imports from Venezuela, then, I admit, are to be upon the same footing with those of any other nation. We were threatened last year with two evils, first, with a fraudulent importation of sugar from Venezuela; and secondly, that sugar grown there and cultivated by the labour of slaves would be sent to this country. At the time I admitted that, although it was not consistent with good faith to prohibit the sugar of Venezuela, the produce of slave labour, from competing in this market with that which was the produce of free labour; I also showed that the circumstances of Venezuela were such as to allow of its produce being received without any violation of the spirit of the Emancipation Act. I showed that there were circumstances connected with that country, and with the United States of America, which rendered it impossible that any so large amount of sugar could be had from either country as to be at variance with the principle which we recommended and adopted. What are the circumstances connected with Venezuela? The noble Lord cannot but be aware that in Venezuela the Slave Trade has long since been abolished. In 1822 they passed a law in that country, enacting, that every man born in that country, subsequently to the year 1822, should be a free man; every individual under 23 years is in consequence at present a free man in that country. So that as we progress in life, as each succeeding year rolls on, we are certain that indulgence shown to that State in the encouragement of its importations, is an encouragement given to the production of sugar by free labour, and is perfectly consistent with the objects we have in view. The noble Lord tells us that the exclusion of sugar from the Brazils and Cuba tends

greatly to aggravate the protection afforded to the Colonial interests. The hon. Gentleman the Member for Manchester, who spoke the other night on this subject, adopts this line of argument too; and if there be any truth in the argument of that hon. Member it goes to this—that whatever was the amount of the protecting duty afforded to the produce of the Colonies, by so much, and to such an extent, was a burden imposed on the consumer in this country. The hon. Member in his speech made no distinction between free labour and slave labour, for none could be made. This assertion was equally true, whether the protection afforded was against the free-labour sugar of Java, or the slave-labour sugar of the Brazils. There is, then, no ground for supposing that this burden, so alleged as being about to be put on the consumers in this country, has anything whatever to do with sugar being the produce of free labour or slave labour. But when he talks of the burden imposed by this plan, I differ from the noble Lord the Member for London, and the hon. Gentleman who represents Manchester. If we can show that by the admission of free-labour sugar, taken in conjunction with sugar supplied from our own Colonies, we can have a supply beyond even our augmented consumption; that would be a sufficient answer to the argument. Previously to the extinction of slavery, there were no complaints that the public were taxed to the amount of the difference of price, although the protecting duty was far beyond that now proposed. And why was this so? Why did no one then urge an argument like this? Because the supply was greater than the demand, and the supply and not the differential duty must have an effect on price. But, I say, moreover, with respect to the admission of two distinct articles into this market, that however they might fluctuate in value for a time, and the price of one might be more or less than that of the other — however Foreign sugar might come into the market in competition with Colonial produce, both would soon find their level; and the difference of amount between the duties to which they are respectively subject, would not be the exact measure of taxation. If by any means that you can adopt, you are able to create in this country a supply beyond the demand of the country, you cannot put out of your view the relative cheapness produced by that supply when you calculate

the burden of a differential duty. No man will deny but that that duty does to a degree enhance price, and is a sacrifice to the principles upon which you have been professing to act. It is a duty which the consumer sees fit to pay, for the accomplishment of a purpose towards which the public made great exertion. But the argument as to the burden of these protecting duties, whatever it may be, applies to the noble Lord's view of the case, as much as it does to that of the Government against which the noble Lord's oratory has been directed. The noble Lord refuses to vote with the hon. Member for Manchester in his proposition. He admits that the Colonies are entitled to some protection. Last year, the noble Lord thought they were deserving of a protection of more than 10s. In the year 1841, the noble Lord thought the protection should be as much as 12s. And with this consideration, if the noble Lord thinks that the Colonial grower of sugar is entitled to protection against the Foreign grower, I ask him how that plan of his could be more or less effectual in taxing the consumer, than that against which he has directed his oratory to-night? I have my doubts whether, by the plan of the noble Lord, the consumer in this country would derive any benefit, or that reduction in the price of the article would be the consequence. I know that sugar the production of slave labour can be raised cheaper than that which is raised by free labour. I know the difficulty and expense attending on the management of a population just freed from slavery, and the repugnance which such classes naturally have to engage in employment, or to undertake hard labour. I know that the sugar of Brazil can be produced at much less expense, in consequence of these circumstances, than that which can be produced in the West Indies; and if, therefore, the sugar of Brazil was to be brought into competition with that of the West Indies, with a less protection, the effect would be, in the first instance, perhaps, that the article would, for the moment, become cheaper; but that cheapness would be soon followed by an excessive though gradual rise in the price. We know that in our own Colonies a great number of estates have been thrown out of productive cultivation; the quantity of the produce of the West Indies, which used to be about 4,000,000 cwts., has fallen to 2,500,000; and that the stock to meet the demand of this country was lessened by so much;

and if we were to throw into this country the sugar raised in the Brazils by the operations of slave labour, we should produce such a revolution in the state of things in the West Indies as would lead to the abandonment of more properties there, and a great diminution in the quantity of produce. Already one or two of the islands of the West Indies are on the eve of being given up as regards the production of sugar; the abandonment of estates in others would soon follow; and the result finally would be, by the abstraction of so large a portion of the supply as those islands afford, a very great rise in the price of sugar in this country; so that a severe penalty upon the community would be contained in the indulgence you profess to give them. One third of the sugar consumed all over the world is grown in British Possessions. In the West India islands of Britain are grown 130,000 tons. Now, suppose that, by allowing the competition of slave labour, and lessening the protection you give your Colonies, you diminish the produce of the latter, what would be the effect on the markets of all the world of withdrawing 70,000 tons from them? Infinitely to raise the value of the remainder, and with it that of Cuba and Brazil. The effect of raising the price of slave-labour sugar would be an immediate importation of slaves into Cuba and the Brazils; and that importation would be continued, till they were enabled to make the supply of sugar equal to the demand. But am I speaking without authority for what I assert? By no means. What I am stating as probable has once before occurred, and is recorded in the Papers and Reports of this House. In or about the year 1792, the island of St. Domingo furnished of sugar, for the consumption of the world, from 40,000 to 60,000 tons. But when, from the repeated insurrections on that island, and various other causes, it became unavailable for the production of this article, and, in fact, the amount of its former produce was withdrawn from the quantity necessary for general consumption, what was the result? Why, the price of sugar rose in this country from 50s. and 51s., progressively up to 75s. per cwt.; and that rise gave an increased impulse in our West Indian islands to the cultivation of sugar. The vacuum thus created in the production of sugar was attempted to be filled up by increased cultivation; and that increased cultivation caused the importation of a greater number of

slaves into our own West Indian islands. This appears from the number of ships fitted for the Slave Trade which left Liverpool previous to the stopping of the supply of sugar from St. Domingo, and the number which left it subsequently; the number of ships fitted out two years before were 80 and 93; while in two after, the number increased to 122 and 133. And in the next year or two after the supply from St. Domingo was so stopped, the numbers of slaves imported from the Coast of Africa were in proportion to the void created; for, instead of 9,000, 10,000, 11,000, or 12,000 persons a year, which had been the previous rate of slave importation into the West Indies, the numbers rose to 32,000 and 36,000. You have in your own Colonies a picture of what you are about to produce in Brazil, if you encourage the slave-grown sugar of that country in preference to that of your own islands. The result would be that you would increase tenfold the horrors of that Slave Trade which was formerly under the control of law; but which, if attempted to be carried on now, would be so completely out of all supervision, that its horrors would be aggravated, and the consumer in this country would derive no benefit whatsoever by it. The noble Lord went into a calculation to prove that there would be a high price of sugar after the present measure was carried into effect. The noble Lord does not object to protecting duties, nor is his advocacy opposed to them. On this point the noble Lord is in the same boat with myself. The noble Lord would impose the same burden upon the public, though he is objecting to that I am about proposing. I think the noble Lord made a loose calculation with respect to the competition of the sugar of Java or Cuba in the market. The noble Lord's calculation went to show that there would be a difference of 8s. between every hogshead of West India sugar, and that of Java; but I maintain if there were these two commodities in the market, the market price for both would eventually come pretty much to the same level. Now, in his calculation, I think the noble Lord has made a mistake with respect to the prices of sugars, and the result of the duties. The highest quoted prices of Java sugar at present are from 22s. to 24s. 6d.; but ordinary Java and Manilla sugar are lower—say about 17s.; the average may, therefore, be taken at 20s

Then, supposing the first cost of Java sugar to be 20s., by adding the amount of duty—23s. 4d.—it gives a total price of 43s. 4d. Then, with respect to West India sugar, the average *Gazette* price of that article is 29s. 7d.; add to that the duty of 14s., the total is 43s. 7d.; and that calculation only shows a difference in price between the two articles of 3d. This would make it little dearer than the Java; and I think I have taken a fair average, upon the whole. To the higher classes of British sugar, it would be necessary to add the higher duty of 16s., so that the result would generally be to bring them to the equality which I have stated. The noble Lord in the course of his speech entered into another subject, which could not exactly be considered a legitimate portion of this debate. It was a matter which more immediately concerned the Colonies than the direct subject of this discussion. The noble Lord entered into a glowing description of the condition of the people in those Colonies. With respect particularly to Jamaica, the noble Lord said that it was proposed to tax the necessaries of life in that country, for the purpose of paying the interest on a loan, for the introduction of labourers to compete with those in the Colony. Now I beg to say that the Legislature of Jamaica did not add to the burdens of the working men, in order to carry out their objects. In this the noble Lord has stated what he did from misinformation. The tax alluded to has been placed on the exports of the country, and is, therefore, paid by those proprietors whose produce constituted those exports. This explanation I wish at once to make, in contradiction to the statement of the noble Lord, who, of course, has been misled, but whose authority would give great and unjust weight to this erroneous impression, if allowed to pass unanswered. The noble Lord said that the House ought to have some consideration for the artisans and labourers employed in the Colonies, as well as for the planters. [Lord J. Russell: I said also the artisans at home.] I beg the noble Lord's pardon. I quite agree with the noble Lord that the artisans, whether resident in the West Indies or in this country, are entitled to every indulgence and to every remission of taxation which can safely be afforded to them. But I am sure that I speak the sentiments of the well-judging and the well-thinking classes of this community when I say that they

would not be willing to purchase an exemption from any burden by the sacrifice of the principles upon which they have so long acted. I think I have said enough to show the House that if we consider not the immediate and transitory gain which the people of this country might derive from a reduction in the price of sugar, but if we look to their permanent interest, even as respects that particular commodity, we shall not think it advisable to expose the West India proprietors to an overwhelming competition by the introduction of Foreign slave-grown sugar; nor think that a means by which we can advance our own permanent interests. The noble Lord, in dealing with the financial part of the question, contended that the reduction of the Sugar Duties is not one of those measures of reduced taxation which we ought to have introduced upon the present occasion. ["No, no."] I thought the noble Lord had stated that there were other articles upon which he would rather have recommended a reduction of taxation.

Lord J. Russell: What I stated was that we might, in my opinion, make a reduction in the Sugar Duties which would have produced the same amount of revenue, and would have been of the same advantage to the consumer, as the proposal of Her Majesty's Government; and we might thus be enabled to reduce the duties upon other articles. Under the system proposed by Her Majesty's Ministers, the benefit of the reduction will go in a great measure to the planters.

The *Chancellor of the Exchequer* continued: I agree with the noble Lord that the amount of the reduction will go partly to the consumer and partly to the planter. That is a natural result; but as the noble Lord agrees with me that it is advisable to maintain differential duties for the benefit of our colonists, I do not know how he is to prevent that result. When we resisted on former occasions the proposal for a reduction of duties, we did so on the grounds that as we were to draw our increased supplies from a great distance, it was advisable that we should give timely notice, and not make that alteration at a time when we could only hope for a limited supply. But when it became our duty to consider in the present year whether the Income Tax should be renewed or not, we thought it indispensably necessary to take into our consideration this article of sugar, with a view to ascertain whether, while we guard by a protective duty the Co-

lonial interest, we cannot make such a change as will cause a material reduction in prices for the benefit of the public generally. That reduction in prices might have been effected by either of two modes. We might have retained the mode hitherto adopted of assessing the duty without classification, and thus making the duty equal upon all classes of sugar; or we might have adopted the proposal which we now submit to the House, of dividing sugar into two classes, and imposing a lower duty upon one of those classes than upon the other. The latter plan appears to us to have this advantage—that it will enable us to effect a reduction in the price of the inferior description of sugar, which is principally consumed by the lower classes, and thus contribute to their comfort, and to the diminution of their burdens. I believe that by the alteration of duties which we propose—it will be for the House to determine whether it be advisable to adopt the proposal or not—the price of the sugar consumed by the lower classes of the community will be reduced by not less than $1\frac{1}{2}d.$ per lb.; and I maintain that if you were to adopt the proposal of the noble Lord, and impose a duty of 20s. upon Foreign sugar, you will deprive the Revenue of a certain amount of duty, and you will have no chance of obtaining an equivalent for the reduction of duty in an extended consumption of the article. We have had experience in the years 1827 and 1828 of the effect of reducing the duty by 3s. per cwt.; and we know that a reduction to that amount only takes money out of the Treasury without affording benefit to the consumer or to the planter; for it goes principally into the pockets of the intermediate dealers in the article. We have, therefore, thought it advisable to make a reduction so extensive that it will reach the lowest cottage in the country; we are prepared to risk an amount of revenue which I admit to be considerable; but I believe it will ultimately be repaid to the country by the increased comforts of our population, and by the increased revenue which we may hope to derive, not only from sugar, but from other articles which enter into general consumption. The noble Lord talked of a gradual reduction of duty as a substitute for our proposal. Now I have the greatest respect for the noble Lord, and whenever I differ from him in opinion, I am inclined to entertain great doubts of the correctness

of the conclusions at which I may have arrived; but I must say, that to propose that we should introduce a gradual reduction of the Sugar Duties—that we should take off 3s. one year, and 3s. more another year, and thus throw the whole sugar trade of the country into a state of perpetual change and confusion—with all respect for the noble Lord, I must say, that such a proposal is one which I have heard from him with astonishment, and is one which I should never be disposed to recommend. It appears to me to be better that we should once for all make such an alteration of duty as will effectually reduce prices and produce a settlement of the question. I believe that our proposal will, if it be adopted, be attended with those results; and it is on my belief that a large reduction will greatly increase consumption, that I rely for the recovery of the revenue within the time for which we wish that the Income Tax should be renewed. The noble Lord at the end of his Resolution attempts to captivate popular support by stating, that if those reductions of duties which we propose, and of which the reduction of the Sugar Duties is one, now take place, there is no chance that the Income Tax will be remitted at the expiration of three years. Now I wish to address the House with perfect frankness and candour. But I do not believe that any man, whatever may be his talents or ingenuity, can by any possibility say with certainty what may be the results, commercial, financial, or political, which may follow from any measure at a distance of three years. But this I say, that so far as experience goes of the elasticity of the resources of this country, and of the power which it possesses, when relieved from burdens, of applying increased energy and industry to the extension of its commerce, and of extending its consumption of those articles upon which duties still remain,—I say that so far as experience goes, we have reasons to calculate that our anticipations of the results of the measures which we now propose will not be disappointed. There can be no doubt but that events may occur which will defeat the best-considered arrangements, and produce results utterly at variance from those upon which men have calculated; but I say that if you look back to what has occurred before in this country—if you take the income of the country at periods before reductions have been made in its taxation—and if you take the income at

periods subsequent to those reductions, you will find that we are justified in our anticipations of the beneficial results to the Revenue from reductions in duties, provided they be judiciously made. I stated the other night, that in October last the income derived from the ordinary sources of revenue was precisely of the same amount as that which we received before the Income Tax had been imposed, although we had in the meantime repealed no less than 1,600,000*l.* of taxes. You would, therefore, now be enabled to repeal the Income Tax if you did not find it necessary to increase your expenditure. I need not, however, allude merely to occurrences in our own time, for I have here instances for many years of an elasticity in our Revenue proportionate to the amount of relief from taxation which we have granted from time to time. I shall mention some of those instances to the House. The right hon. Gentleman read the following:—

In 1816, the ordinary Revenue was	..	£51,573,920
Taxes repealed that year	..	3,228,792
Revenue after deduction	..	48,345,128
In 1819, the Revenue was	..	52,885,000
Being an increase of	..	£4,540,000
In 1822, the Revenue was	..	£55,074,000
Taxes repealed	..	2,139,000
		52,935,000
In 1823, the Revenue was	..	53,100,000
Being an increase of	..	£165,000
In 1823, the Revenue was	..	£53,100,000
Taxes repealed 1823	..	£4,050,000
1824	..	1,700,000
1825	..	3,600,000
1826	..	1,900,000
		11,250,000
		41,850,000
In 1829, the Revenue was	..	51,330,000
Being an increase of	..	£9,480,000

Similar results followed the reduction of taxation in the years 1830 and 1834. In all those cases a new impulse was given to the industry of the country, either by the reduction or the repeal of taxes; for, let it be observed, that in many of those instances taxes were altogether repealed. Is it, then, inconsistent with sound policy that we should expect that recovery of revenue after the repeal of taxes which we have seen occur before, not in one or two instances, but in a variety of instances, and that when the period shall have arrived to which it is proposed to extend the Income Tax, we may be en-

abled, as we are now in a situation to do, to leave it to the House to decide whether that tax shall be abolished, or whether it shall be continued for the purpose of enabling us to effect other reductions of duty? I do not know that there are any other topics to which I need refer. If the House is prepared to abandon that principle for which it has so long contended, of endeavouring to impose obstacles in the way of the continuance of the Slave Trade—if the House is prepared to give up those treaties into which we have entered with Spain, Portugal, and other countries, for the purpose of putting an end to that trade—if the House is prepared to adopt such a course, well and good. I know that by abandoning our former principles we may give some temporary advantage to the consumers of sugar; but, if we are to maintain the character we have heretofore maintained throughout the world—if we are to have it believed that we have, upon moral grounds, contended for the abolition of slavery, and endeavoured to enforce our views upon other countries—I say that, in that case, we can never pursue, with respect to the article of sugar, the cultivation of which is the principal incitement to slavery, a course which would prove that for the sake of cheapening the article to our own consumers, we are ready to abandon our past efforts, and to open scenes of desolation and of misery, the extent of which it would not be easy for man to calculate. And do not let the noble Lord or the hon. Member for Durham suppose that if we pursue what I deem so unworthy a course, the country will continue as it is now, silent, and in a state of apparent apathy upon this subject. I firmly believe, that if the effect of a general introduction of slave-grown sugar into the markets of this country should be, as I apprehend it would necessarily be, instrumental in increasing the importation of slaves from Africa to South America, and if the slaves should be subject, as they necessarily would be, to greater cruelties than could be apprehended if the Slave Trade were free and open, I firmly believe that the accounts we should then receive of the miseries of those wretched victims during their passage, and of the fate that awaited them on reaching their destination, would again call forth the exertions of benevolent individuals in this country, and that this House would be compelled by the unanimous feeling of the British public to repeal its own enactments, and to adopt a course of policy more con-

formable to the dictates of true wisdom and humanity.

Lord John Russell: I wish to correct a misapprehension into which I find I have led the right hon. Gentleman. I expressed myself, perhaps, very imperfectly; but I certainly never intended to propose that the duty should be reduced 2s. or 3s. one year, and 2s. or 3s. the year following. What I proposed was, that a protective duty should be levied for several years, but that as opportunities afterwards occurred, an approximation to the principle of a free trade should be adopted.

Mr. Labouchere said, that when the right hon. Gentleman at the head of the Treasury introduced to the House his series of commercial and financial measures, he declared, that in determining the course which he had adopted, no fear of being taunted with change—no seeming inconsistencies on his part, should prevent him from proposing that which, upon experience he was satisfied, upon the whole, was for the public benefit. He was far from wishing to say anything, except in approbation, of that statement, which had been exemplified by the right hon. Gentleman proposing to the House this year the unusual course of repealing certain important duties which no later than two years ago he had imposed; but the right hon. Baronet would, he hoped, excuse him for thinking that, if he had acted fully and fairly upon that declaration, they would not have seen the Sugar Duties proposed in the form in which they were now presented to the House. He had too high a respect for the understanding and experience of the right hon. Baronet to believe it. That which he (Mr. Labouchere) did not fear to say was almost the universal condemnation of one portion of the right hon. Gentleman's scheme—namely, the attempt to draw a distinction between Foreign sugar, the produce of free labour, and that which was produced by slaves—a condemnation shared in by all mercantile men, by the public in general, by foreign countries—nay, even by the West India planters themselves. [“No, no.”] If hon. Gentlemen disputed that, he thought he should be able to prove its truth. These facts, he could not help thinking, must have shaken the opinion which the right hon. Gentleman had before entertained upon the subject; and if this question had not been connected with the party politics of that House, and, in the hand of the noble Member for Liverpool, had been the very

weapon by which the late Government fell, the right hon. Baronet never would have proposed to enact such distinctions with regard to the Sugar Duties. The right hon. Gentleman who had just sat down defended this part of the scheme upon one ground only; he said that to adopt any other course would be to give great encouragement to slave labour and the Slave Trade in foreign countries. He believed that there never was an assertion made more utterly destitute of foundation, and in support of which it was impossible to advance any sound argument. He would take the very arguments which the right hon. Gentleman had used upon another part of this subject, and apply them to this question, and show how untenable his position was. What did the right hon. Gentleman say in talking of the sugar trade in this country, when our Colonies produced a surplus beyond what was required for consumption in this country, as to the effect which it would produce upon the price of sugar in general? He said, and truly, that all protective duties under those circumstances were entirely nugatory. There was a surplus of sugar, and we had some to spare to foreign countries; and whether they put on a differential duty or not, it was utterly nugatory. The price of the sugar which we could not consume was, of course, governed by that of Foreign sugar; and the differential duties were a dead letter on the Statute Book. But if this was true with regard to a part of our Colonial sugar, under those circumstances, was it not equally a sound argument with regard to Foreign free-labour sugar produced at the present moment in the world? What were the statements of hon. Gentlemen opposite on this subject? What were their calculations? They said that 60,000 tons of free-labour sugar would be produced in Java, Manilla, and other Eastern countries. And what did they say they anticipated, under the present plan, would become of this? That we should take 20,000 tons, and the other 40,000 tons would be sent to the general markets of the world. Of course, if that were the case, the price of the 20,000 tons which might come to us would be governed by the price of the 40,000 tons that were sent abroad, and any effect which our legislation might have on the price of the 20,000 tons, would equally affect the 40,000 tons which would go to Germany and elsewhere to meet the sugar of Brazil and Cuba. Whatever, he repeated, we might

do here to raise the price of the 20,000 tons, would equally affect the 40,000 tons that might go to Germany, and would equally affect the sugar of Brazil and Cuba; and he, therefore, defied the wit of man to deny, as far as prices were concerned, that we should not be giving the same encouragement to slavery by this measure of the Government, as we should be if we at once took the 20,000 tons from the ports of the Havanna, taking it for granted that the right hon. Gentleman really thought by his scheme that he should exclude Foreign slave-grown sugar. He doubted whether any one could answer for the sugar which came into this country being the produce of free labour, and he believed that was the opinion entertained by every person who had turned his attention to the subject; and he stated advisedly that the West Indies were full of suspicion upon this point. As to the cargo of Venezuela sugar which had arrived in this country, it was doubted whether it was not the produce of Surinam or Porto Rico, and not of Venezuela. If the right hon. Gentleman could show that any palpable and real benefit would result from his scheme, well and good; but when they saw how imaginary and illusory was the idea that any discouragement would be given to the slave trade at all under this system, it was a matter for grave consideration whether they would not create much positive mischief by introducing increasing fraud and prevarication in the mercantile world, upon a question of this description. His first and great objection to the proposition of the right hon. Baronet was one which, if well founded, ought, in his opinion, to have great weight. It was, that he did not think it likely to be a permanent settlement of the question. It had none of the elements of permanency. He agreed with the right hon. Gentleman the Chancellor of the Exchequer, who said, "Are you to be every year shifting your duties upon such an article as sugar, leaving your trade, and all the great interests connected with it, in a state of utter uncertainty?" He agreed with the right hon. Gentleman, that it would be no slight evil to be constantly shifting and changing their legislation upon questions of this kind. But when the Chancellor of the Exchequer was so severe upon the proposition which he thought the noble Lord had made for a gradual alteration of the Sugar Duties, and said it was so monstrous a thing for a Government one year to alter the Sugar Du-

ties, and then to lead people to suppose that they would be tampered with again in the next, he must say that the right hon. Gentleman displayed a degree of candour which he did not expect. His conscience must have pricked him severely to have induced him so strongly to censure what he had himself done. Nothing could be more unfortunate for the merchants of this country than the course pursued by the right hon. Gentleman last year, when he proposed an alteration of the Sugar Duties, and at the same time held language which could lead no person to doubt that he intended this year to propose another alteration. The consequence had been a period of peril and uncertainty to every person connected with the trade, and he hoped it would be a warning to the right hon. Gentleman not to trifle thus in future with the commerce of the country. He knew that the proposition of the right hon. Baronet could not be permanent; for, if he did not alter the law, there were other circumstances besides legislation by which it would be changed. A treaty with Brazil or Cuba might greatly affect the right hon. Baronet's arrangements. He said, therefore, that there was nothing like permanency in the scheme of the right hon. Baronet. It contained all the elements of uncertainty. No one could know the degree and extent of fraud that would take place. Who could say by what means merchants and planters would defeat the enactments of this Bill? He had stated, that he believed those opinions were held by the West Indians themselves, for whose benefit the right hon. Gentleman said he was proposing this anomalous and strange system of legislation. He could not, however, help thinking that, although the West Indians were put forward as the cause of the proposed scheme, it was much more to be attributed to the unfortunate party engagements of the right hon. Baronet, than to any particular care for the West Indians. His own opinion was, that they had no belief in the efficacy of the attempt to discriminate between slave-grown and free-labour sugar; in which opinion he was borne out by a paragraph which he had read in a morning paper of that day, extracted from a Jamaica journal. The right hon. Gentleman then read the following paragraph:—

"The admission of Venezuelan sugar into Great Britain at the rate of duty upon which sugar the produce of free labour countries is admissible, has caused much excitement among

the agricultural interests in this island. Fears are entertained that, in consequence of the admission of this sugar, the products of Cuba and Porto Rico will find their way through the United States into the British markets at the lowest rate of duty. A meeting, to memorialize Her Majesty and the Imperial Parliament on this subject, has been held in St. Andrew, and it is supposed that similar meetings will be held in every other parish in the island. Better far that the sugar question should be definitively settled, even though the worst fears of the planters should be realized, than this constant excitement, which begets nothing but doubt and disappointment, should continue."

These, he believed, were the views, faithfully represented, of the Jamaica public on this question. He had now given expression to the vital objection which he had to the scheme of the right hon. Baronet; and he must also say that he feared, especially after the late conduct of the Government on this subject, that the high tone assumed as to the grounds upon which this distinctive course was pursued, was not likely to raise the opinion, in foreign countries, (which it was desirable should be kept high,) of the sincerity of this country as to the discontinuance of the Slave Trade. He was afraid when they saw the same Minister who so lately lowered the duties on coffee in favour of Brazil and Cuba—who had this year altered the duties on Foreign coffee produced by a description of labour infinitely worse than that which cultivated the sugar cane—when foreigners, he said, observed this, they were not likely to believe that it was on any sound principle for the suppression of the Slave Trade that the measure of the right hon. Baronet was proposed. The duty on Foreign slave-grown cotton had been very properly taken off; but when these things were considered, it was impossible to say that they held out to the world the prospect of consistent legislation on these subjects. With regard to another point, he confessed he could understand that they were discouraging the Slave Trade and slave-grown sugar while they were completely excluding all Foreign sugar from this country; but he could not see how they were doing so by admitting Foreign sugar the produce of free labour, when the effect of that would be to raise the price of slave-labour Foreign sugar. It was a strong sense of the defects of this part of the scheme of the right hon. Gentleman which had induced him to address the House. With regard to the remaining portion of the subject, he would, there-

fore, confine himself to a few observations. He agreed in the latter portion of the Resolution of the noble Lord the Member for London. This, however, was not the time to discuss the merits or demerits of the Property Tax; but he could not help recollecting that the First Lord of the Treasury, when he proposed the tax in that House—although he had held that language much more faintly on the last than on the first occasion—yet he always represented the tax as a most oppressive one, which he could only call upon the public to submit to under extraordinary circumstances; and he desired, he said, to give the public and Parliament a fair opportunity of deciding whether they would continue it or not. He confessed his opinion was, that being the case, the right hon. Gentleman ought not to have dealt with the Timber Duties exactly as he did. The language which his noble friend had applied to the right hon. Baronet's treatment of the Sugar Duties, applied, he (Mr. Labouchere) thought, equally to the Timber Duties, namely, that, without an adequate benefit to the consumer, he had thrown away one of the great sources of revenue to this country. The right hon. Baronet appeared to deal with sugar much on the same principle. Without entering into any nice calculations, he was afraid that, as a measure of finance, it would disappoint the right hon. Baronet. At any rate, this must be obvious, namely, that he was curtailing one of the great sources of the revenue of this country. He agreed with his noble Friend, that if they had given less protection to the planter, they would have given all the advantage to the consumer, with a less defalcation to the Revenue. By the course proposed, they gave all the advantage to the planters; and the consumers in this country would not only hardly obtain any advantages, but the probability was, that such would be the defalcation in the Revenue occasioned by these new Sugar Duties, that it would be found necessary, at the end of the period named, to continue the Income Tax. He believed that, by a just system of Sugar Duties, the Revenue might have been entirely restored, by which means they might have got rid of the Property Tax. This would have been a just, and sound, and legitimate experiment, and he had no doubt would have proved highly efficient. If, however, they intended, and were determined to keep up a high differential duty, and not to look to the benefit of the con-

sumers at home, he was satisfied that, as a measure of finance, the result would be, that there would be no other chance of keeping up their Revenue at the end of three years but the continuance of the Income Tax. It might be right or wrong that the Income Tax should be continued, to form a portion of the general Revenue of the country; but it was not the principle upon which the right hon. Baronet professed to act when he brought forward his Income Tax, and it had not placed the House in a proper situation with the country. It was not his intention to go into an examination of the details of the scheme of Her Majesty's Government, for there would be several other opportunities of doing so, and of discussing the very important questions that would arise out of them; his object being, on the present occasion, shortly to state the reasons why he thought it to be his duty to support the Resolution of his noble Friend. He concurred in both parts of that Resolution, and considered that the plan of the Government involved an attempt to discriminate between articles in a way which was impracticable and illusory for any good purpose. They were told that the adoption of this plan would discourage the Slave Trade, and the cultivation of sugar by slaves. Now, he believed that it would be demonstrated, as clearly as any proposition could be proved, that instead of this plan leading to a decrease in the cultivation of slave-grown sugar—on the contrary, that the amount of free-grown sugar that was taken out of the markets of the world for the consumption of this country, to that amount there would be an increased cultivation of slave-grown sugar to supply the deficiency occasioned in the markets of foreign countries. He was as anxious as any could be to see the object in view accomplished; but he dreaded to see a great country like this laying such unsound principles of legislation, which would not stand the scrutiny of the world. He was also prepared to support the second part of the Resolution of his noble Friend, on the ground that when they were making a great reduction in the duty of an article, they should embrace that opportunity of lessening the differential duties in such a degree as to lead to an increased consumption, by diminishing the cost of sugar in this country, and thus keep up the revenue derived from this source, so as to enable the Chancellor of the Exchequer, at the end of three years, to get rid of the Income Tax.

Mr. Gladstone felt anxious to take an early part in the debate, both from his general desire to express his opinions on the question involved in the Resolution of the noble Lord, and also as he was anxious at once to declare that out of office he was desirous to take upon himself his full share of responsibility for the plan before the House. But, before he proceeded further, he felt bound to thank the noble Lord, and the right hon. Gentleman who had just sat down, for the tone and temper in which they had addressed the House, and for their having abstained from those severe and extravagant expressions which had so often characterized former debates on the subject. He had been present at every debate that had taken place in that House upon the Sugar Duties of late years, and uniformly, when it was proposed that distinctions should be drawn between free-grown sugar and the produce of slave labour, the observation was met with terms of very harsh reproach. He never recollected the occasion of a debate of this kind before, in which several accusations of hypocrisy had not been made by the Gentlemen opposite, against hon. Members sitting on his side of the House. He, therefore, thanked the noble Lord for saying that he would not accuse the Government, or those that supported them in this place, of hypocrisy, or of mock humanity, in the course which they had taken. And accordingly, while he expressed his satisfaction that the noble Lord had expressed his disapproval of the use of such hard expressions as had so often been employed in the course of these debates, he would, for his own part, observe, that if he had ever been chargeable with harshness of language in discussing this question, he sincerely regretted it; and while he was far from accusing any individual of a want of humanity or sympathy for his fellow-men because they did not agree with him to exclude sugar the produce of the labour of slaves in certain foreign countries, he hoped that, if they would not give him credit for being actuated by high and honourable motives, yet still they would believe that the majority of that House, in the course which they took, were not open to an accusation the very heaviest of all that could be brought against the character of men. As for the Motion before the House, he had to thank the noble Lord for submitting his proposition to the House in phraseology which they could easily follow and comprehend; and as the right hon. Gentleman who had just sat down, said, that

he had not the slightest hesitation in supporting the whole of the Resolution, so he (Mr. Gladstone) felt no difficulty in stating that he could conscientiously reject the whole of it. The noble Lord, in the first part of his Resolution, said, that the plan which professes to keep up a distinction between Foreign free-labour and Foreign slave-labour sugar was impracticable and illusory,—he denied it,—and in the second part, that without adequate benefit to the consumer, it tended so greatly to impair and cripple the Revenue as to render the removal of the Income and Property Tax, at the end of three years, extremely uncertain and improbable. He was also prepared to deny that the present measure would render the renewal of the Income Tax, at the end of three more years, inevitable. He would not then go into the question as to the continuance of the Property Tax; but he could not help observing that it must excite some curiosity as to what made the noble Lord suggest, three years beforehand, such a strong opinion as to the non-removal of the Property Tax at the end of three years. Was the noble Lord's suggestion made with reference to any supposed revolution in the wheel of fortune before that time arrived, and that then other parties than those who now occupied the Treasury Bench would have to make provision for the Public Revenue? or was it in consequence of a wish on the part of the noble Lord to facilitate the labours of the present Government three years hence? But, whether this was the case or not, he was sure, first, that the noble Lord had not introduced these words without a substantial purpose; and secondly, that that purpose was by no means one which contemplated only the debate and the division of that evening. But to proceed to examine the Resolution before the House. The first part of it declared that the attempt to keep up a distinction between Foreign free-labour and Foreign slave-labour sugar was impracticable and illusory. Now, he had not on previous occasions said the distinction was so clear that it could be drawn with uniform and absolute precision, for perhaps that might not always be the case; but the real question was, whether they should or should not exclude sugar raised in countries which continued to carry on the African Slave Trade. The Bill of last year did not go to the full extent which the Resolution appeared to imply; it did not pretend to keep up a distinction between all slave-grown and all free-labour sugar, for it

specifically provided for the admission of sugar of the former description from countries having certain treaties with us. The House should bear in mind that the real question was as to the exclusion of the produce of Cuba and the Brazils. Then the question was, whether an attempt to distinguish between such sugar and free-grown sugar was impracticable and illusory. The right hon. Gentleman who had last spoken said, that sugar from these countries would come in through fraud; and also, that if the effect of the present plan was to withdraw from the markets of the world a portion of free-grown sugar for the consumption of this country, that that deficiency would be filled up by a supply of slave-grown sugar from those two countries. Now these objections were not started in any novel terms, but in language which had been very often used against the proposal made last year. He then had said that it was not very likely that the sugar of Cuba or Brazil would come into our markets under the pretence of its being the produce of the countries which, on the score of treaties containing the clause of the most favoured nation, were entitled to the introduction of their sugar upon the same terms with that of Java. The noble Lord made some allusions on this point in reference to the recent introduction of sugar from Venezuela; and he stated that some unknown gentleman had informed him that he thought the sugar so introduced was the produce of Porto Rico, or of Surinam, or Brazil, or of some other place. He begged the House to mark that this person did not say distinctly that it was the sugar of any of these countries;—this unknown authority would not say clearly and openly that it was not the sugar of Venezuela, and that it was the sugar of some other country. He challenged the noble Lord to bring this party to book, and require him to give the grounds for the opinion which he had communicated to the noble Lord; and when he obtained that opinion, let it be placed in the hands of the Government, for by this means the noble Lord would impose upon the Government the necessity of instituting a strict inquiry into the whole matter, and it would throw on the officers who certified this sugar the duty of stating the grounds they had for saying that it was Venezuelan sugar. If the noble Lord would take this course, and obtained from the Government an answer to his inquiries in conformity with the suspicions he had so vaguely declared to-night,

he would next year be provided with a powerful argument for resisting any attempt to persist in these distinctions; but if he did not do so, he was only again flooding the House of Commons with the most worthless rumours, of which this subject had on former occasions been so prolific. He would not go into the question as to the quantity of sugar of slave countries with which we had treaties that was likely to come into our markets, as he had gone at great length into the question last year; but he must observe, that most extraordinary means were resorted to, to create objections on this ground to the proposal of the Government. He was then repeatedly told that there were certain laws in the United States, by which sugar could be introduced into that country; and that by some unheard-of system of payments and repayments, and by some kind of transfer from the right hand to the left hand, a large portion of American sugar could be imported into this country; and that in its place an equal quantity of sugar would be imported into the United States from Cuba and the Brazils. It was rather hard to expect that any one should have the laws of a foreign country at hand; and in any case it was very difficult to meet an assertion so confident with an absolute negative. A little time, however, had settled the dispute, so as at once to give a positive statement on the subject; but this matter had been much pressed upon him, and he had been repeatedly challenged on the point. It now appeared, however, that the whole was either a mere fiction, and that the statement was invented for the purpose of deception, or else, and, as he believed, more probably, that it was a mere figment imposed on the minds of hon. Gentlemen. [An hon. Member: It was stated on the Ministerial side of the House.] He did not well know on which side of the House the statement was first made in debate; and indeed last year, upon the question of the Sugar Duties, it was not always easy to tell which was the Ministerial side of the House; but if he was not mistaken, it originally appeared before the public of this country in the *Economist* newspaper; and he hoped that those who had so credulously adopted the statement would be more fastidious for the future as to putting such arguments into hon. Members' mouths. He would not, at that time, go further into the subject of distinctions between free and slave-grown sugars, as it was unne-

cessary; for no new evidence whatever had been adduced to show that there was any likelihood of the fraudulent introduction of Foreign slave-grown sugar. He should, therefore, pass to the next succeeding allegation of the right hon. Gentleman, and would ask whether the right hon. Gentleman was warranted in saying that the plan of the Government would give the same stimulus to the production of sugar in Brazil and Cuba, as if we admitted it directly into our markets? He confessed that he should attach very great importance to this argument, if the right hon. Gentleman could make it out to be good. The right hon. Gentleman referred to the common and general opinion on the subject. Now, he believed that the common opinion was against, rather than in favour of, the statement of the right hon. Gentleman. It was all very well to take up a well-known general dogma of political economy, and by applying it with rigid uniformity to details, or minute parts of a question, to draw a certain conclusion; but by thus proceeding they might destroy any well-established proposition of that department of knowledge. The right hon. Gentleman said that the markets from which we obtained a supply of free-grown sugar would fill up the vacuum so created, by taking an equal quantity of slave-grown sugar. He did not say that there might not be a tendency to this result if it was not checked in practice, and, therefore, he by no means denied the truth of the general rule. But it appeared to him, with regard to this and to many other conclusions of political economy, that there was too much disposition to apply them in their full abstract rigour, without making allowance for the circumstances which modify and vary them in their application and practice; and that, in this manner, they were often practically converted into falsehoods. In the case now before them, his opinion was that the power of access to the British market would, upon the whole, give a better—though he would not say a greatly better—price to the Java and Manilla growers for their sugar. One of the elements which tended to give superior value to an article manifestly was the power of access, at any given moment, to the greatest possible number of markets. Java and Manilla sugar would now have a chance opened to them, which was not open to the sugars of Cuba and Brazil; this would enable them, on many occasions, to be sold with greater advantage;

and the prospect of such advantage was in the nature of an additional encouragement. He found evidence of the truth of the same opinion in the conviction of the West Indians, that the exclusion of the sugars of Cuba and Brazil was beneficial to them. It was a matter which, last year, they had occasion to consider pretty closely. He was satisfied that if the West Indians had not believed that the exclusion of Brazilian sugar would be advantageous to them, they would have supported the Amendment of the right hon. Gentleman opposite last year, when the Sugar Duties were before the House, and have thus endeavoured to carry out the views of Gentlemen opposite on this subject. It was well known that a large amount of British capital was invested in Brazil and Cuba; and, perhaps, on this account, there was more apprehension of great and rapid extension of the culture of the cane in those countries. This was not a new argument, for his right hon. Friend at the head of the Government had alluded to it when he first submitted the subject to the House. He did not wish to cast any stigma upon a principle of political economy; but he felt called upon to object to the strict application of a principle, when circumstances were greatly modified and restricted. For his own part, he sincerely believed that this measure would give a stimulus to the production of sugar in Java and Manilla, which would be much less sensibly felt in the Brazils or Cuba. He would not deny, that if there was a great vacuum in the markets of the Continent occasioned by the flow of free-grown sugar into this country, that the Brazils and Cuba would supply some portion of sugar. He could not positively deny that this might occur, although he should much regret the circumstance; and should then only have to reflect that it was not justly chargeable upon us, for if other countries would do as we did, the result could not possibly arrive. But he did not seriously apprehend such a consequence. He believed indeed that the result of the measure would be, that the demand for sugar would be greatly increased in this country; but he also felt assured that there would be a great increase in the importation of sugar from our own Colonies, and this to a much larger extent than there was any prospect of a short time since. He, therefore, felt with perfect confidence that the plan was not impracticable and illusory. Now, as to the statement that the change would be attended

with no adequate benefit to the consumers, he admitted that the consumer had a right to claim the full benefit of the reduction at no very remote time; and that when the first flush had passed off the market, that the consumer should gain to the full amount of the reduction of duty. It was his perfect conviction, also, that the consumer would gain all this within no distant period. The right hon. Gentleman had intimated, that the plan now proposed would increase the amount of protection proposed last year: on this point, the right hon. Gentleman differed entirely from the hon. Member for Bristol and others who had a practical acquaintance with the subject. He for his own part was satisfied that, although there might be some increase of price immediately, the result would be, that the whole, and even something more than the whole benefit of the reduction of duty would be obtained by the consumer; and he was at a loss to understand what arguments could be used to justify the contrary statement. The right hon. Gentleman expressed the very high opinion that he entertained of the part of the speech of the noble Lord in reference to this subject. Now, he must say, that it appeared to him shadowy and obscure in the last degree. There was the assumption throughout that the differential duty would be in all cases 14s., and that no free-grown sugar would be introduced under that rate. His right hon. Friend the Chancellor of the Exchequer, however, had clearly shown that the better sugars of Java, at least, were of such prime quality that there was nothing to prevent parties paying that duty. He believed, indeed, that sugar would bear introduction with the existing duties and prices. He was utterly at a loss to understand what pretence there was for saying that the plan of the Government involved an increase in the protective duties. As it was, it was proposed to divide unrefined sugar, to be introduced into the markets of this country, into two classes. They divide it into Muscovado and what were termed clayed sugars. This distinction he made in those terms for the mere matter of convenience; although he knew that, strictly speaking, the phraseology was not perfectly correct. Taking, then, this distinction, the differential duty between British and Foreign Muscovado would not be 14s. but 9s. 4d. The noble Lord assumed throughout that the protection would be 14s., and went on the supposed notion that the duty paid on all sugar imported from

the British Colonies would be 14s., while that from Foreign countries would pay 28s. The noble Lord must be aware that in the Resolutions, as far as they possibly could, they had adopted the very same terms now used in applying the 14s. duty to British Colonial sugar, of the lower quality, or the 23s. 4d. duty to Foreign sugar of the same quality. It was, therefore, obvious, having one duty at 14s., and the other at 23s. 4d., that the protective duty in favour of British Colonial sugar was 9s. 4d., and not 14s., as stated by the noble Lord. An hon. Gentleman opposite shook his head. Did he mean honestly to say that he was not correct? He challenged the hon. Member to contradict him, when he told him that every ton, or nearly every ton, of sugar from Manilla would be admitted under the low duty of 23s. 4d.; and be it remembered that it was from Manilla that they expected the largest supply of Foreign free-grown sugar. Was, he repeated, the hon. Member, or any other hon. Gentleman, prepared to contradict this statement? He, therefore, said, that so far from all the free Foreign sugar paying a duty of 28s., and all the British Colonial only 14s., the greater portion of the Foreign sugar would pay only the duty of 23s. 4d.; and if this was not the case with the great proportion of free Foreign sugar, it would be because the importers of sugar from Java might find it worth their while to introduce a more valuable article, being in a more advanced state of manufacture. There was, however, nothing to prevent the brown sugar, either Muscovado or clayed, not being white clayed sugar of Java, from being introduced into the market of this country at the duty of 23s. 4d., unless, indeed, there should be a surplus supply from our own Colonies, which of course would exclude all Foreign sugars paying either the higher or the lower duty. The right hon. Gentleman said that the Java sugar was, generally speaking, of less value than the British plantation sugar; now he would state with confidence, that if they took the average return of Colonial and Java sugar, looking in each case, the latter bore a higher price than the British. It would be recollected that the British Colonies raised sugar only for a protected market, and they, therefore, were compelled to send it all here; whereas only that portion of Java sugar would be sent which was required to make up the deficiency of British sugar, so that of the Foreign sugar the better descriptions would be

chosen; and estimating the tax with reference to value, he considered that the real protection afforded by the duty of 9s. 4d. would be not quite equal to that amount, although not very greatly falling short of it. He was not then speaking of Manilla sugar, but only of that of Java. So far, therefore, from the present arrangement being calculated to increase or enhance prices, he thought that it would tend to diminish them, in a degree even somewhat greater than the reduction of duty. Then the noble Lord went on to say, that the adoption of this plan would be attended with no adequate benefit to the consumer. How, he would ask, was it possible that the consumer should not get all the advantage of the reduction of duty? He might be told, that since the proposal of the plan, such a stimulus had been felt in the British sugar market, that they had risen in price 1s. or 2s. per cwt. Now, after what the West India interest had suffered for such a long period, he certainly could not grudge them this extent in the increase of prices. The House should remember that the West Indians had not only to undergo a season of distress last year, but that it had happened for several previous years. He was prepared to defend what had been proposed and done by the Government last year with respect to this subject, but that was not the question. The question was, whether the House should agree to vote against the present plan, because a mere momentary rise in price had taken place. Now was not this the case with every article in the first instance when a duty was removed from it? He would appeal on this point to Gentlemen connected with the manufacturing districts. He had before him a circular from a house in the cotton trade, in which it was stated, that not only the removal of the duty on raw cotton had not led to the reduction in prices, but also that there was no symptom of the giving way in the price of goods. Some ignorant men arguing, might, on hearing that this removal of duty had not led to the reduction in prices, say that the Government had thrown away 700,000*l.* a-year revenue, and had placed it in the hands of the manufacturers. Every one, however, who had considered the subject well, knew that ultimately, and that, too, at no very distant time, things would find their level, and that the effect of this removal of the duty on cotton would be to stimulate manufactures, and that thus an ultimate

reduction of prices in favour of the consumer must take place. So in the sugar market there might be a very small rise in price of that article for a short time, but competition would soon be felt, and the ultimate advantage of the reduction of duty would come entirely to the public. He did not think, therefore, that, as far as the adjustment of these duties was involved, there was any chance that the public would be deprived of any advantage from this reduction which they had a right to expect. The noble Lord seemed to believe that all the British Colonial sugar would pay the low duty, while all the Foreign sugar would pay the higher class of duties. No doubt sugars of all qualities would be introduced; but while he believed that a large portion of the Foreign free-grown sugar would come in under the lower scale of duties, still he thought there were some qualities of Java sugar which would fully bear to pay the higher duty. He held in his hand [the right hon. Gentleman had a small tin case] a specimen of Java sugar of peculiar whiteness, and of very superior quality. At present many persons entertained very erroneous opinions as to the probable prices of Foreign free-grown sugars which would be introduced under this proposal of the Government, and these erroneous opinions were chiefly occasioned by the prices printed in the *Price Currents*. This arose from the circumstance that a large quantity of Java sugar was brought here for the purpose of being refined, while the sugar of the quality which he held in his hand chiefly went to Holland. He would not then go into the question as to the classification of sugars, which necessarily would give rise to further discussion in the future stages of this measure. The question, however, might arise, whether an article of very superior quality, which if there were no classification, would come in under the lower scale of duties should not, as a matter of equity, have an increased tax. For instance, such as the specimen which he held in his hand from Java, which, as the resolution stood, would pay the lower scale of duties, the extraordinary whiteness and quality of which must strike the observation of every hon. Gentleman. Thus much for the argument of the plan being without adequate benefit to the consumer, which, the noble Lord also says, tends, at the same time, to seriously impair the Revenue. The noble Lord said that some plan might have been devised by which the consumer would have been benefited, and

which would not have taken such a large sum from the Revenue. His right hon. Friend at the head of the Government, when he brought forward his plan, calculated that there would be a defalcation for the present year in the revenue derived from the duties on sugar to the amount of 1,300,000*l*. He trusted that the Revenue would not be impaired beyond that amount; but the House should be aware that the intelligence received on each subsequent day from the West Indies led to the belief that there would be a greatly increased production of sugar in our Colonies, and the consequence would be that less of Foreign free-labour sugar would be introduced. This might be attended with a heavier loss to the Revenue than his right hon. Friend anticipated; but you could not expect a reduction in the price of an article consumed upon so immense a scale to the extent of from 20 to 25 per cent., without a very considerable sacrifice. The noble Lord went into some details of a plan which he proposed, and a scale of duties; but it appeared to him to be a perfect mystification of the subject. He should like some of the hon. Gentlemen opposite, who had the control over the financial measures of the late Government under the noble Lord, he would especially invite the late Chancellor of the Exchequer to enter into a financial detail of the plan of the noble Lord, and show that his promises could be made good, that the plan which he proposed would be a great boon to the consumer, and would not be attended with loss to the Revenue. As he understood the noble Lord's plan, it was that the duty on British Colonial sugar should be 10*s*., and on Foreign grown sugar 16*s*., or on British 12*s*., and on Foreign 20*s*.—thus giving a protection to the West Indians of 8*s*. the cwt., and by this plan the noble Lord seemed to think that there could be no loss of revenue. The noble Lord in this suggestion clearly admitted the doctrine of protection, and would not adopt a free trade, as was urged a few nights ago. The noble Lord said that by the adoption of his plan there would be 1,300,000*l*. to spare, which could be devoted to the relief of the country from other taxes which pressed heavily on it. He should proceed to give some general outline as to what would be the effect of the adoption of this plan of the noble Lord, as well as examine some of the *data* on which the noble Lord rested his case. He thought every Gentleman in the House

would agree in thinking that when, instead of 250,000 tons, he was allowing 300,000 tons for the consumption under the noble Lord's estimate, he went as far as could possibly be expected of him—that they would regard that amount as a very liberal allowance indeed. Now, he would take 230,000 tons as the very lowest allowance under that estimate of sugar from the British possessions; and that, at 12*l.* per ton, would produce a revenue of 2,760,000*l.* He would then allow 70,000 tons as the amount of Foreign grown sugar imported under the noble Lord's plan, and that, at 20*l.* a ton, would bring in 1,400,000*l.*; so that both together would produce a revenue of 4,160,000*l.* Therefore that plan of the noble Lord's, while it would bear very severely on the Colonial interests, would not, he thought, be as perfect a substitute for the present amount of revenue as was pretended; but, on the contrary, so far from its producing, as the noble Lord stated, an equal amount to the present duties, it would ensure a loss to the Revenue of not less than 1,050,000*l.* But then there was a second plan suggested by the noble Lord, under which the respective duties would be, 10*s.* for Colonial sugar, and 18*s.* for Foreign sugar. He would, in consequence of the decrease of 2*s.* a cwt. on the duty in this case below the former plan, allow 10,000 tons for the additional consumption under it, making, instead of the average consumption of 208,000 tons, a consumption of 310,000, which was certainly as much as could possibly be expected to take place. Now, giving the noble Lord the advantage of that increase, and allowing the proportion of Colonial sugar to be 230,000 tons, and of Foreign sugar to be 80,000 tons, it followed that the revenue from the former at 10*s.* a cwt., or 10*l.* a ton, would be 2,300,000*l.*, and from the latter 1,640,000*l.*, making together a total amount to the Revenue of 3,940,000*l.*, instead of the present receipt of 5,210,000*l.* The loss to the Revenue, therefore, if the second plan of the noble Lord were adopted, would be no less than 1,270,000*l.* That was the most favourable inference that he could possibly calculate; and he would feel greatly indebted to any Gentleman who would show him from which of the plans of the noble Lord any result could possibly be drawn by which the present income accruing to the Exchequer from the duties on sugar could be replaced. If the fact, then, were as he had stated, he thought the consequence would be a very

serious drawback from the efficiency of the noble Lord's plan. [Lord J. Russell here entered the House.] He exceedingly regretted to perceive that the noble Lord was not present while he endeavoured to supply what certainly appeared to him to be an exceedingly important want in the speech of the noble Lord. It appeared to him that some attempt should have been made by the noble Lord to verify his propositions; to show that if his plans were adopted the Revenue would have been placed in the same position in which it stood under the existing system; and that the loss which would follow from the course proposed to be taken by his right hon. Friend the First Lord of the Treasury would be avoided. The noble Lord, however, made no such effort—to the great loss of the House who had heard him, and he had no doubt of the public out of doors; and he, wishing to supply the part of the noble Lord's case which he had left unfinished, ventured to make the calculations which he had just mentioned, and from these he found that if one of the noble Lord's plans were adopted, the loss to the Revenue would be no less than 1,500,000*l.*, while if the second were taken, the Revenue would be minus 1,270,000*l.* The noble Lord had given in his speech no more than a secondary prominence to that part of the question before the House which referred to the distinction proposed to be made between free-labour sugar and slave-labour sugar. So far as regarded the points which constituted the noble Lord's statement in reference to this question, he really could see no reason why he should detain the House upon them; but he could not resist taking advantage of the occasion to offer some remarks to the House on that important question of national policy, which had now for so long a time been in discussion, whether a distinction should or should not be drawn, in dealing with the question of Sugar Duties, between free labour and slave labour—in other and more accurate words, whether the sugars of Cuba and Brazil, which were raised by slave labour, should be excluded from our markets, or admitted on the same footing as the produce of other countries where slavery did not exist; and more especially where the African Slave Trade was not pursued. Now, if any theory had been propounded on that (the Ministerial) side of the House, which could be only supported by large and high-sounding phrases, about the necessity of not contaminating the

markets of this country by sugar the produce of slave labour, if such a thing were the only ground on which they called for the vote of the House in their favour, then he would fully and at once admit that the proposition of the Government could not be sustained; but he should at the same time say, that he considered the practical question before the House had no reference to any such theory. The practical question, apart from every ideal speculation of that nature, was, whether a great and powerful stimulus was to be given to the Slave Trade or not, which stimulus, in his opinion, would be applied by the adoption of any proposition for the admission of Cuban and Brazilian sugar. Now, he did not pretend to establish any theory to silence the argument of those who impugned the consistency of the British Legislature on this matter; but he would beg to call the attention of the House to the position in which, as he conceived, they were actually placed. In the year 1840, the hon. Member for Dumfries moved a Resolution for reducing the duty on sugars produced in foreign countries, and the argument was then seized that we actually admitted cotton, tobacco, and coffee, from slave-owning and even from slave-trading countries; and the answer which was then given to him by the Government of that day was, that the cases of the commodities proposed to be affected were not analogous in some important particulars. He continued to hold that opinion, and to contend that the question of the importation of sugar from Cuba and Brazil stood upon very peculiar and special grounds, which involved in practice the whole question of the cessation or the continuation of the Slave Trade. But, whether he was right or wrong in his opinion, he would appeal to the noble Lord and to the House on the extreme inexpediency of pressing annually upon Parliament such Motions as the present, as by doing so they were gaining neither of the objects which were contended for in that House. In seeking to have the sugars of Brazil and Cuba introduced, hon. Gentleman opposite, though doubtless in no way indifferent to purposes of humanity and philanthropy, were clearly influenced by the desire to gain the greatest commercial advantages to the country. He trusted it would not be contended that the party of the Government were indifferent to the interests of commerce; but they, at the same time, did not think that commercial objects were at all times the only matters to be regarded by the Legislature. They thought that

commercial interests, high and important as they were, should not stand in their way in every instance, and prevent them from attaining other great and desirable ends. It had been for a long time a part of the national policy to put an end to slavery and to the Slave Trade; but he would maintain, by the incessant agitation which was continued by bringing forward again and again the question of the admission of slave-grown sugar, neither that policy, nor the purposes of those who continued that opposition, could be attained. On the one hand, they (the Government party), who were the majority of the British Parliament, had contended for the propriety of continuing a distinction between sugar grown by free labour and sugar the produce of slave-trading countries, and they had repeatedly shown by decisive votes their determination to allow the experiment of seeing how far that policy would be effectual in retarding the Slave Trade to have a fair and full trial; while, on the other hand, the party of the noble Lord prevented, by their regularly renewed opposition, that experiment from being efficiently put to the test. In 1841, it had been admittedly the cause of a great crisis taking place in their affairs; he could not blame any of those who were instrumental in placing the question in a position in which it became a great subject of party contention; but it was certainly a result to be very deeply lamented. But for this he felt quite certain the contest would have been allowed to drop, like other Parliamentary contests, when once it had been fairly fought; and however much he might respect the views of hon. Gentlemen opposite, as far as they differed from those entertained on his side of the House, still he could not but regret that those hon. Gentlemen should not now, and for a time at least, respect the certain and established judgment of Parliament on that matter, and not continue their opposition to it. The question was, Had the subject been as yet sufficiently investigated or not? He would, in replying to that question, simply recount to the House what the divisions were that had, within the last five years, taken place on that great subject; and he would then leave it to them to say whether this resistance, quite hopeless for the purposes of its promoters, and only effective in impeding and obstructing the views of Parliament, should further continue. In 1840, the hon. Member for Dumfries moved that all British sugar should be charged a duty of 24s. a cwt., and all Foreign sugars a duty of 34s. a cwt. On a division on that Motion, the

numbers were—Ayes 27, Noes 122; leaving a majority against the Motion of 95. Again, in 1841, the question was again brought forward by the noble Lord opposite (Lord John Russell); and, on a division, the numbers were—Ayes 281, Noes 317; leaving a majority against the noble Lord, then in the Government, of 36. On that occasion, the judgment of Parliament was recorded after the most mature deliberation, and after a discussion, he believed, as long as any that had ever taken place on any question in that House. Again, in 1842, it was natural and fit that the subject should be brought forward before the new Parliament, and accordingly a Motion was proposed by the right hon. Member for Taunton (Mr. Labouchere). The right hon. Gentleman moved that the duty on Colonial sugar should be fixed at 20s., and on Foreign sugar at 30s. a cwt.; and on a division, he was left in a minority of 81, the numbers being—Ayes 164, Noes 245. In 1843, the same subject was again brought before the House in the same spirit, and on the same grounds, as in the former years. In that year, the hon. Member for Lambeth moved the adoption of a differential duty of 10s., and the House divided, the numbers being—Ayes 122, Noes 203; leaving a majority against the Motion of 81. It would thus appear that no change had in the interim since the preceding division taken place in the feeling of the country on the subject. On the 7th of March, 1844, the right hon. Gentleman the Member for Taunton again revived the discussion, by moving an Address to the Crown on the subject of the commercial relations of this country with Brazil. The question of the admission of Brazilian sugar was thus as to its whole substance, though not in terms, brought again before the House; and on a division, the numbers were—Ayes 132, Noes 205; leaving a majority against the Motion of the right hon. Gentleman of 73. Again, in the month of June, last year, the noble Lord opposite made a Motion having the same effect—the only difference in the piece appearing to be in a change of the performers. The purport of the noble Lord's Motion was, that British sugar should be admitted at 24s. duty, and Foreign sugar at 34s. duty; and on a division the numbers were—Ayes 128, Noes 197, leaving a majority of 69 against the proposition of the noble Lord. Now, the result of that statement which he had taken the liberty of laying before the House, showed that the present was the seventh time on which Parliament had been called

upon to vote on this subject within a period of less than five years, comprised between June 1840 and February 1845. In that brief period that House had been required seven distinct times to adjudicate upon that particular question, and on every one of these occasions it had given a most definitive and sensible response. He would grant that the commercial feeling in the country differed to some considerable extent from the policy of the Government; but on the other hand there was also a considerable proportion of that feeling in their favour. He perceived an hon. Gentleman opposite shake his head. [The right hon. Gentleman was supposed to allude to Mr. Cobden.] The hon. Gentleman had deservedly a high reputation in that House; but it was not that of the most impartial, considerate, and candid man. He also adopted, very naturally, the views of a very large and a very peremptory Association; but he ought, notwithstanding, to admit that parties opposed to him might have strong and genuine feeling upon matters to which he was indifferent, or in connexion with opinions opposite to his. The hon. Gentlemen said that no section of the community supported the Government on the present question. He (Mr. Gladstone) should distinctly assert the contrary. When he mentioned the names of the late Sir Thomas Buxton, of Sir Stephen Lushington, and of the Members of the Committee of the Anti-Slavery Society of London, as being all engaged in support of the views of the Government on the question then before the House, he believed that it would be admitted he had some grounds for that assertion. He might be told that the abolitionists were generally attached to the Reform or Liberal party, and that they approved the policy now recommended by the noble Lord; but he replied, it was not to be wondered at if they still continued to show symptoms of prepossession in favour of the party to which many in common with the noble Lord opposite belonged. On the other hand, he would give them much stronger evidence in the proceedings of men who had sacrificed all their former prepossessions to their convictions upon this subject. The gentlemen to whom he referred had such strength of feeling, such depth of conviction, as to the real interests of humanity, which were involved in the question, that the most ardent and thorough partizans, and the most honourable in every relation of life, men like Sir Stephen Lushington, were found ready to forget all their predilections in order to support the Government in the course

which they were resolved to maintain, and in which, it was contended by hon. Gentlemen opposite, they were wholly unsupported. Mr. Sturge and Mr. Scobel, and other men, who had aided in giving the last blow to slavery under the form of the apprenticeship—whether rightly or wrongly it was quite unnecessary for his present purpose to inquire—men whose political opinions went, it was well known, even farther than those of the noble Lord opposite and his party, gave their support to the present Government on this question; and he had, he conceived, therefore a right to say, that while a feeling existed in the country favourable to the views of the hon. Gentlemen opposite, there was also a strong feeling in favour of the Government and of their exertions to put an end to slavery and the Slave Trade in Cuba and Brazil, and a disposition to allow the commercial policy of the country with respect to sugar to be influenced by a regard to that great subject. As far as he could see, no great change had taken place for the last four or five years, either in the country or in that House, on the subject. On the contrary, the interest in it seemed to diminish more and more every year; and as a proof of that, he might observe that he never recollected seeing the Benches of that House worse furnished than on the present occasion, when the leader of the Opposition brought forward his Motion, and when the Chancellor of the Exchequer was prepared to state the views of Government in reply. But whatever the feelings in that House might be, there was no doubt but that still less interest was attached to it out of doors. There could be no doubt but that the speech of the noble Lord and of other distinguished Gentlemen on that night would be very well reported in the morning; but he questioned whether it was equally certain that they would be read very generally. Under these circumstances, he put it to the sense of the House whether it would not be better to give the Government an opportunity of ascertaining, by refraining for an interval from the disturbance of the question, the result which their present policy was likely to have in the diminution of slavery and of the trade in slaves. It was said on the other side, that the question between slave labour and free labour had been already decided by Europe, and that the opinion of foreign countries was not very favourable to the views of England. They had heard the letter of Mr. Calhoun to the American Minister at Paris on the subject of the policy of Eng-

land, quoted during that discussion, as a proof that we could not hope to gain credit for sincerity in this policy. He thought with respect to that declaration of the American Government on the policy of England, that it was discreditable to one of the parties concerned, but England was not that party. If, however, it were true that the opinion entertained abroad was generally unfavourable, he thought the cause might naturally enough be found in the course which had been pursued by the party opposite. When Englishmen could be found ready to denounce the policy of the Legislature as hypocritical, could we be surprised that natives of other countries should re-echo the charge? Where this question was perpetually contested, there we could scarcely hope to obtain the benefits that might follow upon a policy established and clearly understood. The slave-growing countries might say to themselves, the British Government may impose restrictions on our trade, but with some 250 or 300 Members in the House of Commons opposed to them, it is not very likely that matters will continue long in their present unfavourable position. These countries would, therefore, be induced to continue the Slave Trade under the impression that the measures against their trade adopted by England could not be permanent. If he thought there was the least probability of the intentions of hon. Gentlemen opposite being carried into effect before next year, or the year after, or within any limited period, then he would not ask them to abandon these constant endeavours to recommend their views; but when the result of former divisions showed them that no grounds really existed for entertaining any such hope or expectation, then he would say they ought not to persevere in efforts which could have no other result than that of thwarting the great experiment in which the Government and the country were engaged. Would it not, as he had before said, be better for them to show a respect for the judgment of Parliament, and allow the present policy to receive a fair trial? The Government did not, as he apprehended, deny that the object of hon. Gentlemen opposite was an important one—that great responsibility rested with those who interrupted the legitimate course of commerce for purposes not of a commercial nature; but on the other hand hon. Gentlemen opposite should not refuse on their side to allow the great importance of any effort to induce the Governments of Cuba and Brazil to give up the Slave Trade in which

their people were at present involved. He considered that the public business could be efficiently carried on only by the minority giving way when they perceived that they were acting contrary to public opinion and to the feelings of the majority. He considered it to be unwise, and he might even say unfair, with these practical purposes in view, that the opposition, which had been so long and so hopelessly continued, should, without any remission, be persevered in. He thought the country had now a fair prospect of having the advantage of cheap sugar, and that, while the Colonial interests were reasonably protected, there was at the same time a security, by the admission of Foreign sugar, against any unreasonable prices being demanded. He thought the charge of hypocrisy brought against the Government and the majority of that House an extravagant one; but still it was a charge which he could, to some extent, understand. The charge, however, if applicable at all, would apply equally to the country generally; and a charge of hypocrisy against the community of this country, which had made such noble and such costly efforts, with full knowledge of their costliness, and with deliberate purpose for the extinction of slavery, was a charge too absurd to deserve even confutation and exposure. Whatever motives might be attributed to the Colonial interests, to the majority in that House, or to the Government, it was clear that no such motives could be applicable to the people of England, and that the feeling which led the people to concur or acquiesce in the Ministerial plan was, therefore, one arising from motives of humanity alone. The noble Lord the Member for Sunderland had lately alluded to the propriety of doing away with the Right of Search altogether. He knew not whether there was any intention of introducing a Motion to that effect before the House; he could conceive it to be a question on which much might be urged on either side. It might be held at least with plausibility that we had better confine ourselves to the government of our own people, and no longer attempt, after so much experience of the difficulties in our way, to teach other nations their responsibilities. But this he felt very strongly, that there was a close connexion between the policy of employing force to repress the Slave Trade, and the policy of the Government with regard to the admission of sugar from Cuba and Brazil. If we abandoned the former, the latter might very probably also be abandoned. But if we maintained the former,

he thought that to act upon the principles recommended by the noble Lord, would be found to involve us in a flagrant outrage upon common decency and those sanctions of opinion which regulate the proceedings of nations. He did not think we could continue to send an armed force to intercept the slave ships upon the Atlantic, with instructions to put down the traffic in slaves, when necessary, by violence, and when necessary even by blood, after we should once have determined to open our markets now closed against the sugar of Cuba and of Brazil, and should thereby have afforded the most powerful encouragement to the Governments of these countries to continue and extend the Slave Trade. He begged, in conclusion, to express his thanks to the House for the attention with which they had heard him, and his perfect assurance that the House was not prepared to alter, upon such grounds as had been shown, a policy so highly cherished; and he could not accordingly do otherwise than refuse to concur in the vote of the noble Lord.

Mr. *Macaulay*: Sir, if the question now at issue were merely a financial or a commercial question, I should be unwilling to offer myself to your notice; for I am well aware that there are, both on your right and on your left hand, many Gentlemen far more deeply versed in financial and commercial science than myself; and I should think that I discharged my duty better by listening to them than by assuming the office of a teacher. But, Sir, the question on which we are at issue with Her Majesty's Ministers is neither a financial nor a commercial question. I do not understand it to be disputed that, if we were to pronounce our decision with reference merely to fiscal and mercantile considerations, we should at once adopt the Amendment of my noble Friend. Indeed the right hon. Gentleman the late President of the Board of Trade has distinctly admitted this. He says that the Ministers of the Crown call upon us to sacrifice great pecuniary advantages and commercial facilities, for the purpose of maintaining a moral principle. Indeed, neither in former debates nor in the debate of this night has any person ventured to deny that, both as respects the public purse and as respects the interests of trade, the course recommended by my noble Friend is preferable to the course recommended by the Government. The objections to my noble Friend's Amendment, then, are purely moral objections. We lie, it seems, under a moral

obligation to make a distinction between the produce of free labour and the produce of slave labour. Now I should be as unwilling to incur the imputation of being indifferent to the welfare of the African race as any hon. Member opposite can be to incur the imputation of hypocrisy. I do, however, think that it is in my power to show strong reasons for believing that the moral obligation pleaded by the Ministers has no existence. If there be no such moral obligation, then, as it is conceded on the other side that all fiscal and commercial arguments are on the side of my noble Friend, it follows that we ought to adopt his Amendment. The right hon. Gentleman the late President of the Board of Trade has said, that the Government does not pretend to act with perfect consistency as to this distinction between free labour and slave labour. It was, indeed, necessary that he should say this; for the policy of the Government is obviously most inconsistent. Perfect consistency, I admit, we are not to expect in human affairs. But, surely, there is a decent consistency which ought to be observed; and of this the right hon. Gentleman himself seems to be sensible; for he asks how, if we admit sugar grown by Brazilian slaves, we can with decency continue to stop Brazilian vessels engaged in the Slave Trade. This argument, whatever be its value, proceeds on the very correct supposition that the test of sincerity in individuals, in parties, and in governments, is consistency. The right hon. Gentleman feels, as we must all feel, that it is impossible to give credit for good faith to a man who on one occasion pleads a scruple of conscience as an excuse for not doing a particular thing, and who on other occasions, where there is no essential difference of circumstances, does that very thing without any scruple at all. I do not wish to use such a word as hypocrisy, or to impute that odious vice to any Gentleman on either side of the House. But whoever declares one moment that he feels himself bound by a certain moral rule, and the next moment, in a case strictly similar, acts in direct defiance of that rule, must submit to have, if not his honesty, yet at least his power of discriminating right from wrong very gravely questioned. Now, Sir, I deny the existence of the moral obligation alleged by the Government. I deny that we are under any moral obligation to turn our fiscal code into a penal code, for the purpose of correcting vices in the institutions of independent states. I say that, if you suppose such a moral obligation to be in force, the supposition leads to consequences from

which every one of us would recoil, to consequences which would throw the whole commercial and political system of the world into confusion. I say that, if such a moral obligation exists, our financial legislation is one mass of injustice and inhumanity. And I say more especially that, if such a moral obligation exists, then the right hon. Baronet's Budget is one mass of injustice and inhumanity. Observe, I am not disputing the paramount authority of moral obligation. I am not setting up pecuniary considerations against moral considerations. I know that it would be not only a wicked but a short-sighted policy, to aim at making a nation like this great and prosperous by violating the laws of justice. To those laws, enjoin what they may, I am prepared to submit. But I will not palter with them. I will not cite them to-day in order to serve one turn, and quibble them away to-morrow in order to serve another. I will not have two standards of right, one to be applied when I wish to protect a favourite interest at the public cost, and another to be applied when I wish to replenish the Exchequer, and to give an impulse to trade. I will not have two weights or two measures. I will not blow hot and cold, play fast and loose, strain at a gnat and swallow a camel. Can the Government say as much? Are Gentlemen opposite prepared to follow out their own principle? They need not look long for opportunities. The Statute Book swarms with enactments directly opposed to the rule which they profess to respect. I will take a single instance from our existing laws, and propound it to the Gentlemen opposite as a test, if I must not say of their sincerity, yet of their power of moral discrimination. Take the article of tobacco. Not only do you admit the tobacco of the United States which is grown by slaves; not only do you admit the tobacco of Cuba which is grown by slaves, and by slaves, as you tell us, recently imported from Africa; but you actually interdict the free labourer of the United Kingdom from growing tobacco. You have long had on your Statute Book laws prohibiting the cultivation of tobacco in England, and authorising the Government to destroy all tobacco plantations, except a few square yards, which are suffered to exist unmolested in botanical gardens, for purposes of science. These laws did not extend to Ireland. The free peasantry of Ireland began to grow tobacco. The cultivation spread fast. Down came your legislation upon it; and now, if the Irish freeman dares to engage in competition with the slaves of Virginia and Havannah,

you exchequer him; you ruin him; you grub up his plantation. Here, then, we have a test by which we may try the consistency of the Gentlemen opposite. I ask you, are you prepared, I do not say to exclude slave-grown tobacco, but to take away from slave-grown tobacco the monopoly which you now give to it, and to permit the free labourer of the United Kingdom to enter into competition on equal terms, on any terms, with the negro who works under the lash? I am confident that the three right hon. Gentlemen opposite, the First Lord of the Treasury, the Chancellor of the Exchequer, and the late President of the Board of Trade, with all with one voice answer "No." And why not?—"Because," say they, "it will injure the Revenue. True it is," they will say, "that the tobacco imported from abroad is grown by slaves, and by slaves many of whom have been recently carried across the Atlantic, in defiance, not only of justice and humanity, but of law and treaty. True it is that the cultivators of the United Kingdom are freemen. But then on the imported tobacco we are able to raise at the Custom-house a duty of 600 per cent., some times indeed of 1,200 per cent.: and, if tobacco were grown here, it would be difficult to get an excise duty of even 100 per cent. We cannot submit to this loss of revenue, and therefore we give a monopoly to the slaveholder, and make it penal in the freeman to invade that monopoly." You may be right: but in the name of common sense, be consistent. If this moral obligation of which you talk so much be one which may with propriety yield to fiscal considerations, let us have Brazilian sugars. If it be paramount to all fiscal considerations, let us at least have British snuff and cigars. The present Ministers may indeed plead that they are not the authors of the laws which prohibit the cultivation of tobacco in Great Britain and Ireland. That is true. The present Government found those laws in existence: and no doubt there is good sense in the Conservative doctrine that many things which ought not to have been set up ought not, when they have been set up, to be hastily and rudely pulled down. But what will the right hon. Baronet urge in vindication of his own new Budget? He is not content with maintaining laws which he finds already existing in favour of produce grown by slaves. He introduces a crowd of new laws to the same effect. He comes down to the House with a proposition for entirely taking away the duties on the importation of cotton. He glories in this

scheme. He tells us that it is in strict accordance with the soundest principles of legislation. He tells us that it will be a blessing to the country. I agree with him, and I intend to vote with him. But how is all this cotton grown? Is it not grown by slaves? Again I say, you may be right; but, in the name of common sense, be consistent. I saw, with no small amusement, a few days ago, a paragraph by one of the right hon. Baronet's eulogists, which was to the following effect:—"Thus has this eminent statesman given to the English labourer a large supply of a most important raw material, and has manfully withstood those ravenous Whigs who wished to inundate our country with sugar dyed in negro blood." With what, I should like to know, is the right hon. Baronet's cotton dyed? Formerly, indeed, an attempt was made to distinguish between the cultivation of cotton and the cultivation of sugar. The cultivation of sugar, it was said, was peculiarly fatal to the health and life of the slave. But that plea, whatever it may have been worth, must now be abandoned; for the right hon. Baronet now proposes to reduce, to a very great extent, the duty on slave-grown sugar imported from the United States. Then a new distinction is set up. The United States, it is said, have slavery; but they have no slave trade. I deny that assertion. I say that the sugar and cotton of the United States are the fruits, not only of slavery, but of the slave trade. And I say further that, if there be on the surface of this earth a country which, before God and man, is more accountable than any other for the misery and degradation of the African race, that country is not Brazil, the produce of which the right hon. Baronet excludes, but the United States, the produce of which he proposes to admit on more favourable terms than ever. I have no pleasure in going into an argument of this nature. I do not conceive that it is the duty of a Member of the English Parliament to discuss abuses which exist in other societies. Such discussion seldom tends to produce any reform of such abuses, and has a direct tendency to wound national pride, and to inflame national animosities. I would willingly avoid this subject, but the right hon. Baronet leaves me no choice. He turns this House into a Court of Judicature for the purpose of criticising and comparing the institutions of independent States. He tells us that our Tariff is to be made an instrument for rewarding the justice and humanity of some Foreign Governments, and for punishing the barbarity of others. He binds

up the dearest interests of my constituents with questions with which otherwise I should, as a Member of Parliament, have nothing to do. I would gladly keep silence on such questions. But it cannot be. The tradesmen and the professional men whom I represent say to me, "Why are we to be loaded, certainly for some years, probably for ever, with a tax, admitted by those who impose it to be grievous, unequal, inquisitorial? Why are we to be loaded in time of peace with burdens heretofore reserved for the exigencies of war?" The paper manufacturer, the soap manufacturer, say, "Why, if the Income Tax is to be continued, are our important and suffering branches of industry to have no relief?" And the answer is, "Because Brazil does not behave so well as the United States towards the negro race." Can I then avoid instituting a comparison? Am I not bound to bring to the test the truth of an assertion pregnant with consequences so momentous to those who have sent me hither. I must speak out; and, if what I say gives offence and produces inconvenience, for that offence and for that inconvenience the Government is responsible. I affirm, then, that there exists in the United States a Slave Trade, not less odious or demoralising, nay, I do in my conscience believe, more odious and more demoralising than that which is carried on between Africa and Brazil. North Carolina and Virginia are to Louisiana and Alabama what Congo is to Rio Janeiro. The slave States of the Union are to be divided into two classes, the breeding States, where the human beasts of burden increase and multiply and become strong for labour, and the sugar and cotton States to which those beasts of burden are sent to be worked to death. To what an extent the traffic in man is carried on we may learn by comparing the census of 1830 with the census of 1840. North Carolina and Virginia are, as I have said, great breeding States. During the ten years from 1830 to 1840 the slave population of North Carolina was almost stationary. The slave population of Virginia positively decreased. Yet, both in North Carolina and Virginia propagation was, during those ten years, going on fast. The number of births among the slaves in those States exceeded by hundreds of thousands the number of the deaths. What, then, became of the surplus? Look to the returns from the Southern States, to the States whose produce the right hon. Baronet proposes to admit with reduced duty or with no duty at all, and you will see. You will find that the increase in the breeding States was barely sufficient

to meet the demand of the consuming States. In Louisiana, for example, where we know that the negro population is worn down by cruel toil, and would not, if left to itself, keep up its numbers, there were, in 1830, 107,000 slaves; in 1840, 170,000. In Alabama, the slave population during those ten years much more than doubled; it rose from 117,000 to 253,000. In Mississippi it actually tripled. It rose from 65,000 to 195,000. So much for the extent of this Slave Trade. And as to its nature, ask any Englishman who has ever travelled in the Southern States. Jobbers go about from plantation to plantation looking out for proprietors who are not easy in their circumstances, and who are likely to sell cheap. A black boy is picked up here; a black girl there. The dearest ties of nature and of marriage are torn asunder as rudely as they were ever torn asunder by any slave captain on the coast of Guinea. A gang of three or four hundred negroes is made up; and then these wretches, handcuffed, fettered, guarded by armed men, are driven southward, as you would drive (or rather as you would not drive) a herd of oxen to Smithfield, that they may undergo the deadly labour of the sugar-mill near the mouth of the Mississippi. A very few years of that labour in that climate suffice to send the stoutest African to his grave. But he can well be spared. While he is fast sinking into premature old age, negro boys in Virginia are growing up as fast into vigorous manhood to supply the void which cruelty is making in Louisiana. God forbid that I should extenuate the horrors of the Slave Trade in any form; but I do think this its worst form. Bad enough it is that civilized men should sail to an uncivilized quarter of the world where slavery exists, should there buy wretched barbarians, and should carry them away to labour in a distant land: bad enough! But that a civilized man, a baptized man, a man proud of being a citizen of a free state, a man frequenting a Christian church, should breed slaves for exportation, and, if the whole horrible truth must be told, should even beget slaves for exportation, should see children, sometimes his own children, gambolling around him from infancy, should watch their growth, should be familiar with their faces, and should then sell them for four or five hundred dollars a head, and send them to lead in a remote country a life which is a lingering death, a life about which the best thing that can be said is that it is sure to be short; this does, I own, excite a horror exceeding even the horror excited by that Slave Trade which is the curse of the Afri-

can coast. And mark: I am not speaking of any rare case, of any instance of eccentric depravity; I am speaking of a trade as regular as the trade in pigs between Dublin and Liverpool, or as the trade in coals between the Tyne and the Thames. There is another point to which I must advert. I have no wish to apologize for slavery as it exists in Brazil; but this I say, that slavery, as it exists in Brazil, though a fearful evil, seems to me a much less hopeless evil, than slavery as it exists in the United States. In estimating the character of negro slavery, we must never forget one most important ingredient; an ingredient which was wanting to slavery as it was known to the Greeks and Romans; an ingredient which was wanting to slavery as it appeared in Europe during the middle ages,—I mean the antipathy of colour. Where this antipathy exists in a high degree, it is difficult to conceive how the white masters and the black labourers can ever be mingled together, as the lords and villeins in many parts of the Old World have been, in one free community. Now this antipathy notoriously is much stronger in the United States than in the Brazils. In the Brazils there are many hundred thousands of blacks and coloured freemen. These people are not excluded from honourable callings. You may find among them merchants, physicians, lawyers; many of them bear arms; some have been admitted to holy orders. Whoever knows what dignity, what sanctity the Church of Rome ascribes to the person of a priest, will at once perceive the important consequences which follow from this last circumstance. It is by no means unusual to see a white penitent kneeling before the spiritual tribunal of a negro, confessing his sins to a negro, receiving absolution from a negro. It is by no means unusual to see a negro dispensing the Eucharist to a circle of whites. I need not tell the House what emotions of amazement and of rage such a spectacle would excite in Georgia or South Carolina. Fully admitting, therefore, as I do, that Brazilian slavery is a horrible evil, I yet must say, that if I were called upon to declare whether I think the chances of the African race on the whole better in Brazil or in the United States, I should at once answer in Brazil. I think it not improbable that in eighty or a hundred years the black population of Brazil may be free and happy. I see no reasonable prospect of such a change in the United States. The right hon. Gentleman the late President of the Board of Trade, has said much about that system of maritime police by which we have attempted to

sweep slave-trading vessels from the great highway of nations. Now what has been the conduct of Brazil, and what has been the conduct of the United States, as respects that system of police? Brazil has come into the system; the United States have thrown every impediment in the way of the system. What opinion Her Majesty's Ministers entertain respecting the Right of Search we know from a letter of my Lord Aberdeen which has, within a few days, been laid on our Table. I believe that I state correctly the sense of that letter when I say, that the noble Earl regards the Right of Search as an efficacious means, and as the only efficacious means, of preventing the maritime Slave Trade. He expresses most serious doubts whether any substitute can be devised. I think that this check would be a most valuable one, if all nations would submit to it; and I applaud the humanity which has induced successive British Administrations to exert themselves for the purpose of obtaining the concurrence of Foreign Powers in so excellent a plan. Brazil consented to admit the Right of Search; the United States refused, and by refusing deprived the Right of Search of half its value. Not content with refusing to admit the Right of Search, they even disputed the right of visit, a right which no impartial publicist in Europe will deny to be in strict conformity with the Law of Nations. Nor was this all: in every part of the Continent of Europe the diplomatic agents of the Cabinet of Washington toiled to induce other nations to imitate the example of the United States. You cannot have forgotten General Cass's letter. You cannot have forgotten the terms in which his Government communicated to him its approbation of his conduct. You know as well as I do that, if the United States had submitted to the Right of Search, there would have been no outcry against that right in France. Nor do I much blame the French. It is but natural that, when one maritime Power makes it a point of honour to refuse us this right, other maritime Powers should think that they cannot, without degradation, take a different course. It is but natural that a Frenchman, proud of his country, should ask why the tricolor is to be less respected than the stars and stripes. The right hon. Gentleman says, that, if we assent to my noble Friend's Amendment, we shall no longer be able to maintain that Right of Search. Sir, he need not trouble himself about that right—it is already gone. We have agreed to negotiate on the subject with France: everybody knows how that negotiation will end. The French flag

will be exempted from search : Spain will instantly demand, if she has not already demanded, similar exemption; and you may as well let her have it with a good grace, and without wrangling. For a Right of Search, from which the flags of France and America are exempted, is not worth a dispute. The only system, therefore, which in the opinion of Her Majesty's Ministers has yet been found efficacious for the prevention of the maritime Slave Trade, is, in fact, abandoned. And who is answerable for this? The United States of America. The chief guilt even of the Slave Trade between Africa and Brazil lies, not with the Government of Brazil, but with that of the United States. And yet the right hon. Baronet proposes to punish Brazil for the Slave Trade, and in the same breath proposes to show favour to the United States, because the United States are pure from the crime of slave trading. I thank the right hon. Gentleman the late President of the Board of Trade for reminding me of Mr. Calhoun's letter. I could not have wished for a better illustration of my argument. Let any body who has read that letter say what is the country which, if we take on ourselves to avenge the wrongs of Africa, ought to be the first object of our indignation. The Government of the United States has placed itself on a bad eminence to which Brazil never aspired, and which Brazil, even if aspiring to it, never could attain. The Government of the United States has formally declared itself the patron, the champion of negro slavery all over the world—the evil genius, the Arimanes of the African race—and seems to take pride in this shameful and odious distinction. I well understand that an American statesman might say, “Slavery is a horrible evil; but we were born to it; we see no way at present to rid ourselves of it: and we must endure it as we best may.” Good and enlightened men may hold such language: but such is not the language of the American Cabinet. That Cabinet is actuated by a propagandist spirit, and labours to spread servitude and barbarism with an ardour such as no other Government ever showed in the cause of freedom and civilisation. Nay more; the doctrine held at Washington is that this holy cause sanctifies the most unholy means. These zealots of slavery think themselves justified in snatching away provinces on the right hand and on the left, in defiance of public faith and international law, from neighbouring countries which have free institutions, and this avowedly for the purpose of diffusing over a wider space the greatest curse that afflicts hu-

manity. They put themselves at the head of the slave-driving interest throughout the world, just as Elizabeth put herself at the head of the Protestant interest; and, wherever their favourite institution is in danger, are ready to stand by it as Elizabeth stood by the Dutch. This, then, I hold to be demonstrated, that of all societies now existing, the Republic of the United States is by far the most culpable as respects slavery and the Slave Trade. Now then I come to the right hon. Baronet's Budget. He tells us, that he will not admit Brazilian sugar, because the Brazilian Government tolerates slavery and connives at the Slave Trade; and he tells us at the same time, that he will admit the slave-grown cotton and the slave-grown sugar of the United States. I am utterly at a loss to understand how he can vindicate his consistency. He tells us that if we adopt my noble Friend's proposition, we shall give a stimulus to the Slave Trade between Africa and Brazil. Be it so. But is it not equally clear that if we adopt the right hon. Baronet's own propositions, we shall give a stimulus to the Slave Trade between Virginia and Louisiana? I have not the least doubt that as soon as the contents of his Budget are known on the other side of the Atlantic, the Slave Trade will become more active than it is at this moment; that the jobbers in human flesh and blood will be more busy than ever; that the droves of manacled negroes moving southward to their doom, will be more numerous on every road. These will be the fruits of the right hon. Baronet's measure. Yet he tells us, that his measure rests on sound principles, and will greatly benefit the country: and he tells us truth. I mean to vote with him; and I can perfectly, on my own principles, reconcile to my conscience the vote which I shall give. How the right hon. Baronet can reconcile the course which he takes to his conscience, I am at a loss to conceive, and am not a little curious to know. No man is more capable than he of doing justice to any cause which he undertakes; and it would be most presumptuous in me to anticipate the defence which he means to set up. But I hope that the House will suffer me, as one who feels deeply on this subject, now to explain the reasons which convince me that I ought to vote for the right hon. Baronet's propositions respecting the produce of the United States. In explaining these reasons, I at the same time explain the reasons which induce me to vote with my noble Friend to-night. I say then, Sir, that I fully admit the paramount authority of moral obligations. But it is

important that we should accurately understand the nature and extent of those obligations. We are clearly bound to wrong no man. Nay, more, we are bound to regard all men with benevolence. But to every individual and to every society, Providence has assigned a sphere within which benevolence ought to be peculiarly active; and if an individual or a society neglects what lies within that sphere in order to attend what lies without, the result is likely to be harm and not good. It is thus in private life. We should not be justified in injuring a stranger in order to benefit ourselves or those who are dearest to us. Every stranger is entitled, by the laws of humanity, to claim from us certain reasonable good offices. But it is not true that we are bound to exert ourselves to serve a mere stranger as we are bound to exert ourselves to serve our own relations. A man would not be justified in subjecting his wife and children to disagreeable privations, in order to save even from utter ruin some foreigner whom he never saw. And if a man were so absurd and perverse as to starve his own family in order to relieve people with whom he had no acquaintance, there can be little doubt that his crazy charity would produce much more misery than happiness. It is the same with nations. No statesman ought to injure other countries in order to benefit his own country. No statesman ought to lose any fair opportunity of rendering to foreign nations such good offices as he can render without a breach of the duty which he owes to the society of which he is a member. But, after all, our country is our country, and has the first claim on our attention. There is nothing, I conceive, of narrow-mindedness in this patriotism. I do not say that we ought to prefer the happiness of one particular society to the happiness of mankind; but I say that, by exerting ourselves to promote the happiness of the society with which we are most nearly connected, and with which we are best acquainted, we shall do more to promote the happiness of mankind than by busying ourselves about matters which we do not fully understand, and cannot efficiently control. There are great evils connected with the factory system in this country. Some of those evils might, I am inclined to think, be removed or mitigated by legislation. On that point many of my Friends differ from me; but we all agree in thinking that it is the duty of a British Legislator to consider the subject attentively, and with a serious sense of responsibility. There are also great social evils in Russia. The peasants of that empire

are in a state of servitude. The Sovereign of Russia is bound by the most solemn obligations to consider whether he can do anything to improve the condition of that large portion of his subjects. If we watch over our factory children, and he watches over his peasants, much good may be done. But would any good be done if the Emperor of Russia and the British Parliament were to interchange functions; if he were to take under his patronage the weavers of Lancashire, if we were to take under our patronage the peasants of the Volga; if he were to say, "You shall send no cotton to Russia till you pass a Ten Hours' Bill;"—if we were to say, "You shall send no hemp or tallow to England till you emancipate your serfs?" On these principles, Sir, which seem to me to be the principles of plain common sense, I can, without resorting to any casuistical subtleties, vindicate to my own conscience and, I hope, to my country, the whole course which I have pursued with respect to slavery. When I first came into Parliament, slavery still existed in the British dominions. I had, as it was natural that I should have, a strong feeling on the subject. I exerted myself, according to my station and to the measure of my abilities, on the side of the oppressed. I shrank from no personal sacrifice in that cause. I do not mention this as matter of boast. It was no more than my duty. The right hon. Gentleman the Secretary of State for the Home Department knows that, in 1833, I disapproved of one part of the measure which Lord Grey's Government proposed on the subject of slavery. I was in office; and office was then as important to me as it could be to any man. I put my resignation into the hands of Lord Spencer, and both spoke and voted against the Administration. To my surprise, Lord Grey and Lord Spencer refused to accept my resignation, and I remained in office; but during some days I considered myself as out of the service of the Crown. I at the same time heartily joined in laying a heavy burden on the country for the purpose of compensating the planters. I acted thus, because, being a British Legislator, I thought myself bound, at any cost to myself and to my constituents, to remove a foul stain from the British laws, and to redress the wrongs endured by persons who, as British subjects, were placed under my guardianship. But my especial obligations in respect of negro slavery ceased when slavery itself ceased in that part of the world for the welfare of which I, as a Member of this House, was accountable. As for the blacks in the United States, I

feel for them, God knows! But I am not their keeper. I do not stand in the same relation to the slaves of Louisiana and Alabama in which I formerly stood to the slaves of Demerara and Jamaica. I am bound, on the other hand, by the most solemn obligations, to promote the interests of millions of my own countrymen, who are not indeed in a state so miserable and degraded as that of the American slaves, but who are toiling hard from sunrise to sunset in order to obtain a scanty subsistence; who are often scarcely able to procure the necessaries of life; and whose lot would be alleviated if I could open new markets to them, and free them from taxes which now press heavily on their industry. I see clearly that, by excluding the produce of slave labour from our ports, I should inflict great evil on my fellow-subjects and constituents. But the good which, by taking such a course, I should do to the negroes in the United States seems to me very problematical. That by admitting slave-grown cotton and slave-grown sugar we do, in some sense, encourage slavery and the Slave Trade, may be true. But I doubt whether, by turning our fiscal code into a penal code for restraining the cruelty of the American planters, we should not, on the whole, injure the negroes rather than benefit them. No independent nation will endure to be told by another nation, "We are more virtuous than you; we have sat in judgment on your institutions; we find them to be bad; and, as a punishment for your offences, we condemn you to pay higher duties at our Custom-house than we demand from the rest of the world." Such language naturally excites the resentment of foreigners. I can make allowance for their susceptibility. For I myself sympathize with them. I know that Ireland has been misgoverned; and I have done, and purpose to do, my best to redress her grievances. But when I take up a New York journal and read there the rants of President Tyler's son, I feel so much disgusted by such insolent absurdity, that I am for a moment inclined to deny that Ireland has any reason whatever to complain. It seems to me that, if ever slavery is peaceably extinguished in the United States, that great and happy change must be brought about by the efforts of those enlightened and respectable American citizens who hate slavery as much as we hate it. Now I cannot help fearing that, if the British Parliament were to proclaim itself the protector and avenger of the American slave, the pride of those excellent persons would take the alarm. It might become a

point of national honour with them to stand by an institution which they have hitherto regarded as a national disgrace. We should thus confer no benefit on the negro; and we should at the same time inflict cruel suffering on our own countrymen. On these grounds, Sir, I can, with a clear conscience, vote for the right hon. Baronet's propositions respecting the cotton and sugar of the United States. But on exactly the same grounds I can, with a clear conscience, vote for the Amendment of my noble Friend. And I confess that I shall be much surprised if the right hon. Baronet shall be able to point out any distinction between the cases. I have detained you too long, Sir: yet there is one point to which I must refer; I mean the refining. Was such a distinction ever heard of? Is there any thing like it in all Pascal's Dialogues with the Old Jesuit? Not for the world are we to eat one ounce of Brazilian sugar. But we import the accursed thing; we bond it; we employ our skill and machinery to render it more alluring to the eye and to the palate; we export it to Leghorn and Hamburgh; we send it to all the coffee-houses of Italy and Germany; we pocket a profit on all this; and then we put on a Pharisaical air, and thank God that we are not like those sinful Italians and Germans who have no scruple about swallowing slave-grown sugar. Surely this sophistry is worthy only of the worst class of false witnesses. "I perjure myself! Not for the world. I only kissed my thumb; I did not put my lips to the calf-skin." I remember something very like the right hon. Baronet's morality in a Spanish novel which I read long ago. I beg pardon of the House for detaining them with such a trifle; but the story is much to the purpose:—A wandering lad, a sort of Gil Blas, is taken into the service of a rich old silversmith, a most pious man, who is always telling his beads, who hears mass daily, and observes the feasts and fasts of the church with the utmost scrupulosity. The silversmith is always preaching honesty and piety. "Never," he constantly repeats to his young assistant, "never touch what is not your own; never take liberties with sacred things." Sacrilege, as uniting theft with profaneness, is the sin of which he has the deepest horror. One day while he is lecturing after his usual fashion, an ill-looking fellow comes into the shop with a sack under his arm. "Will you buy these?" says the visitor, and produces from the sack some church plate and a rich silver crucifix. "Buy them!" cries the pious man. "No, nor touch them; not for the world. I

know where you got them. Wretch that you are, have you no care for your soul?" "Well then," says the thief, "if you will not buy them, will you melt them down for me?" "Melt them down!" answers the silversmith, "that is quite another matter." He takes the chalices and the crucifix with a pair of tongs; the silver, thus in bond, is dropped into the crucible, melted, and delivered to the thief, who lays down five pistoles and decamps with his booty. The young servant stares at this strange scene. But the master very gravely resumes his lecture. "My son," he says, "take warning by that sacrilegious knave, and take example by me. Think what a load of guilt lies on his conscience. You will see him hanged before long. But as to me, you saw that I would not touch the stolen property. I keep these tongs for such occasions. And thus I thrive in the fear of God, and manage to turn an honest penny." You talk of morality. What can be more immoral than to bring ridicule on the very name of morality, by drawing distinctions where there are no differences? Is it not enough that this dishonest casuistry has already poisoned our theology? Is it not enough that a set of quibbles has been devised, under cover of which a divine may hold the worst doctrines of the Church of Rome, and may hold with them the best benefice of the Church of England? Let us at least keep the debates of this House free from the sophistry of Tract No. XC. And then the right hon. Gentleman the late President of the Board of Trade wonders that other nations consider our abhorrence of slavery and the Slave Trade as sheer hypocrisy. Why, Sir, how should it be otherwise? And, if the imputation annoys us, whom have we to thank for it? Numerous and malevolent as our detractors are, none of them was ever so absurd as to charge us with hypocrisy because we took slave-grown tobacco and slave-grown cotton, till the Government began to affect scruples about admitting Brazilian sugar. Of course, as soon as our Ministers ostentatiously announced to all the world that our fiscal system was framed on a new and sublime moral principle, every body began to inquire whether we consistently adhered to that principle. It required much less acuteness and much less malevolence than that of our neighbours to discover that this hatred of slave-grown produce was mere grimace. They see that we not only take tobacco produced by means of slavery and the Slave Trade, but that we positively interdict freemen in this country from growing tobacco. They see that we

not only take cotton produced by means of slavery and of the Slave Trade, but that we are about to exempt this cotton from all duty. They see that we are at this moment reducing the duty on the slave-grown sugar of Louisiana. How can we expect them to believe that it is from a sense of justice and humanity that we lay a prohibitory duty on the sugar of Brazil? I care little for the abuse which any foreign press or any foreign tribune may throw on the Machiavelian policy of perfidious Albion. What gives me pain is, not that the charge of hypocrisy is made, but that I am unable to see how it is to be refuted. Yet one word more. The right hon. Gentleman the late President of the Board of Trade has quoted the opinions of two persons, highly distinguished by the exertions which they made for the abolition of slavery, my lamented friend Sir Thomas Fowell Buxton and Sir Stephen Lushington. It is most true that those eminent persons did approve of the principle laid down by the right hon. Baronet opposite in 1841. I think that they were in error; but in their error I am sure that they were sincere, and I firmly believe that they would have been consistent. They would have objected, no doubt, to my noble Friend's Amendment; but they would have objected equally to the right hon. Baronet's Budget. It was not prudent, I think, in Gentlemen opposite to allude to those respectable names. The mention of those names irresistibly carries the mind back to the days of the great struggle for negro freedom. And it is but natural that we should ask, where, during that struggle, were those who now profess such loathing for slave-grown sugar? The three persons who are chiefly responsible for the financial and commercial policy of the present Government I take to be the right hon. Baronet at the head of the Treasury, the right hon. Gentleman the Chancellor of the Exchequer, and the right hon. Gentleman the late President of the Board of Trade. Is there anything in the past conduct of any one of the three which can lead me to believe that his sensibility to the evils of slavery is greater than mine? I am sure that the right hon. Baronet the First Lord of the Treasury would think that I was speaking ironically if I were to compliment him on his zeal for the liberty of the negro race. Never once, during the whole of the long and obstinate conflict which ended in the abolition of slavery in our Colonies, did he give one word, one sign of encouragement to those who suffered and laboured for the good cause. The whole weight of his great abilities and in-

fluence were in the other scale. I well remember that, so late as 1833, he declared in this House that he could give his assent neither to the plan of immediate emancipation proposed by my noble Friend who now represents Sunderland, nor to the plan of gradual emancipation proposed by Lord Grey's Government. I well remember that he said, "I shall claim no credit hereafter on account of this measure. All that I desire is to be absolved from the responsibility." As to the other two right hon. Gentlemen whom I have mentioned, they are West Indians, and their conduct was that of West Indians. I do not wish to give them pain, or to throw any disgraceful imputation on them. Personally I regard them with feelings of goodwill and respect. I do not question their sincerity; but I know that the most honest men are but too prone to deceive themselves into the belief that the path towards which they are impelled by their own interests and passions is the path of duty. I am conscious that this might be my own case; and I believe it to be theirs. As the right hon. Gentleman the Chancellor of the Exchequer has left the House, I will only say that, with respect to the question of slavery, he acted after the fashion of the class to which he belonged. But as the right hon. Gentleman the late President of the Board of Trade is in his place, he must allow me to bring to his recollection the part which he took in the debates of 1833. He then said, "You raise a great clamour about the cultivation of sugar. You say that it is a species of industry fatal to the health and life of the slave. I do not deny that there is some difference between the labour of a sugar plantation and the labour of a cotton plantation, or a coffee plantation. But the difference is not so great as you think. In marshy soils, the slaves who cultivate the sugar cane suffer severely. But in Barbadoes, where the air is good, they thrive and multiply." He proceeded to say that, even at the worst, the labour of a sugar plantation was not more unhealthy than some kinds of labour in which the manufacturers of England are employed, and which nobody thinks of prohibiting. He particularly mentioned grinding. "See how grinding destroys the health, the sight, the life. Yet there is no outcry against grinding." He went on to say, that the whole question ought to be left by Parliament to the West Indian Legislatures. [Mr. Gladstone: Really, I never said so. You are not quoting me at all correctly.] What, not about the sugar-cultivation and the grinding? [Mr. Gladstone: That is correct; but I never recommended that the question should be

left to the West Indian Legislatures.] I have quoted correctly. But since my right hon. Friend disclaims the sentiment imputed to him by the reporters, I shall say no more about it. I have no doubt that he is quite right, and that what he said was misunderstood. What is undisputed, is amply sufficient for my purpose. I see that the party which now shows so much zeal against slavery in foreign countries, is the same party which formerly countenanced slavery in the British Colonies. I remember a time when they maintained that we were bound in justice to protect slave-grown sugar against the competition of free-grown sugar, and even of British free-grown sugar. I now hear them calling on us to protect free-grown sugar against the competition of slave-grown sugar. I remember a time when they extenuated as much as they could the evils of the sugar cultivation. I now hear them exaggerating those evils. But devious as their course has been, there is one clue by which I can easily track them through the whole maze. Inconstant in everything else, they are constant in demanding protection for the West Indian planter. While he employs slaves, they do their best to apologize for the evils of slavery. As soon as he is forced to employ freemen, they begin to cry up the blessings of freedom. They go round the whole compass, and yet to one point they steadfastly adhere; and that point is the interest of the West Indian proprietors. I have done, Sir. I thank the House most sincerely for the patience and indulgence with which I have been heard. I hope that I have at least vindicated my own consistency. How Her Majesty's Ministers will vindicate their consistency, how they will show that their conduct has at all times been guided by the same principles, or even that their conduct at the present time is guided by any fixed principle at all, I am unable to conjecture.

Mr. Gladstone: The House, I am sure, will allow me to put myself right upon one part of the right hon. Gentleman's address. I wish the right hon. Gentleman had quoted in the usual manner when references are made to former speeches—namely, that by which the matter can be verified. My right hon. Friend founds a very severe charge against me—namely, that I adopt contrary language and conflicting arguments at one time or another, precisely as they happen to promote the West India interest. Now will my right hon. Friend allow me to say this—that during the whole of these discussions I never have said one word, to my knowledge, upon the nature of sugar cultivation

as being destructive of life? I am aware there were extremely exaggerated notions abroad upon that subject; I still believe it to be the case, but I doubt very much whether in all the speeches with which I have troubled the House during the discussions of the last four years, I have ever said a single syllable to the effect of there being a great destruction of life in the cultivation of sugar. I therefore beg to observe to my right hon. Friend that the severe charge he has made against me is totally groundless, and that there is not one syllable to support it.

Sir J. Graham: I do not venture to appear before the House, Sir, from any vain desire to place myself for one moment in competition with the right hon. Gentleman who has just sat down. It is not from such a motive I am induced to rise upon this occasion; and conscious of the disadvantage under which any Gentleman in this House must follow a speech so able and so brilliant as that just addressed to you by the right hon. Gentlemen, I again assure the House it is from a sense of duty solely that I now appear before them. I feel more particularly impelled to do so by the personal appeal which the right hon. Gentleman has made to me. It relates to a circumstance so much redounding to the honour of the right hon. Gentleman that I willingly give my testimony to the strict accuracy of the statement he has made. At the period when the great question of the emancipation of the slaves in our West India Colonies was under discussion during the Administration of Earl Grey, in which Administration I was a Member, the question with regard to apprenticeship arose. The right hon. Gentleman, then holding a place under the Government of Earl Grey, differed from the Executive Government upon a point materially affecting, as he thought, the interests of the slaves, and he was anxious by his vote to give effect to his opinion, and oppose the plan of Government. Most certainly upon that occasion the right hon. Gentleman, regardless of all personal interest, and from a sense of duty, did place at the disposal of Government the office he held, in a manner the most honourable and the most disinterested, and as I think, quite worthy of his firm attachment to those principles respecting slavery which he has ever professed and uniformly acted upon. I also, I think, may, on my own part, claim from the right hon. Gentleman an admission that I, ever since I have taken a share in measures respecting slavery and the Slave Trade, have taken a consistent part. I was a Member

of the Administration to which the right hon. Gentleman has referred. I was the intimate Colleague of my noble Friend the present Secretary of the Colonies; whose duty it was to bring forward that measure for the abolition of slavery. To the best of my ability, I gave to that measure a cordial and sincere support; and ever since I have had the honour of a seat in Parliament, I do not think I have omitted any opportunity of recording my vote in favour of the emancipation of slaves. I took an active part in all his preliminary measures, particularly in the Committee of Inquiry which preceded emancipation, and to the best of my ability I have since uniformly given my constant and consistent support to those measures which I thought most conducive to the interests of the coloured population. I must be permitted to observe upon the very able speech we have just heard, that brilliant as that speech was, connected with one part of the subject we are now discussing, I cannot, regard it as taking a comprehensive view of the entire matter submitted for our consideration. The right hon. Gentleman began his speech by saying he would not deal with this as a commercial or as a financial question; but he would rather treat it as touching political morals; and throughout his whole speech he dealt with it on this ground. The right hon. Gentleman will permit me to say, that this can hardly be regarded as a statesmanlike view, comprehending the whole of this great question; for I contend that the question cannot be now regarded absolutely and abstractedly as a branch of political morals, discarding financial and commercial considerations. On the contrary, I am bound to treat it as a question involving not only political morality, but as a question of finance and commerce of the highest importance. And when I so consider it, I am at the same time bound to state, that whatever may be the feelings of morality with regard to it, which I strongly and decidedly entertain, the difficulty of Government and of Parliament is this—that we are treating a great commercial question upon principles not purely commercial, and by the mode in which we are treating it from mixed considerations of morals and of commerce, we are introducing a policy not strictly commercial, but contrary, in some leading particulars, to those great rules and principles which ought to decide commercial questions in this country. The right hon. Gentleman has said that when he considered the question of slavery, he took a very different view of it when the slaves of our West India Islands were con-

cerned, from the view he took, having regard to political morals, of the condition of slaves in the territories of other countries not immediately connected with our domestic legislature. It is not for me, occupying the situation which I have the honour to fill, to follow the right hon. Gentleman into the discussion of the social institutions of any great country with which Her Majesty entertains amicable relations. I cannot think it expedient to follow the right hon. Gentleman in the terms of strong invective which he has used; but at the same time, with regard to many of the private feelings which he expressed, I am bound to say that individually I could not with honesty express any very great difference of opinion. But the right hon. Gentleman observed, that with regard to the slave population, fellow subjects with himself, in 1833 he entertained a very different feeling towards them from that which it was his duty to act upon with regard to slaves in countries not under the British Crown, and not immediately connected with us. Now I wish to be permitted to say that in dealing with this question not merely as a question of morals, but partly financial and commercial, I, as a Minister of the Crown, cannot overlook the great interests of the Colonies. I think it can be shown that, with a due consideration to the interests of the British consumer, an abundant supply of sugar can be obtained at a lower price, and with far greater advantage to the consumer, from the British Colonies and British dependencies, than from countries where the importation of slaves is still encouraged. I cannot altogether discard the consideration due to the present position of the West Indies; and I think the noble Lord, who has brought this question under the consideration of the House, did not himself discard this very consideration. I think it would be impossible that that noble Lord, who was united with me in the government of Earl Grey, when the measure of emancipation was carried, notwithstanding the large grant which, with great generosity, the people of this country readily contributed to the planters in consideration of the measure then forced upon them, can forget the peculiar position of the West India Colonists. I say, notwithstanding the amount of the grant, the noble Lord must still think consideration due to the planters, upon account of the immense change so forced upon them by the British Legislature, and also on account of their present difficulties. What was the effect of that change? Why that, although compensated by a liberal pecuniary grant, the

means of cultivating their property with any degree of certainty have been almost entirely destroyed or extremely narrowed. And what has been our subsequent policy? From considerations of humanity we have thought it indispensably necessary to impose restrictions upon the means of their acquiring free labour as the substitute for slave labour. We took from them their slaves, we gave them compensation to a great extent, but still we left them without the means of cultivating their estates, except by the payment of very high wages to the population which was liberated, and unwilling to work, except under the temptation of extravagant remuneration; and, as I said before, we have imposed restrictions upon their obtaining, by the introduction of free labour, other means to cultivate their property. Now, Sir, I conceive it to be the duty of the British Government, under these circumstances, if it be in their power, to supply the British consumer adequately with the great requisite of sugar at a moderate price, not neglecting at the same time the interests of the British Colonies. That, I think, is the true policy which ought to prevail with us. Nor can I altogether discard from consideration the immense possessions in the East, belonging to the British Crown, in which there are a hundred millions of those who are to be regarded as our fellow-subjects, willing to consume our manufactures to an almost unlimited extent. Indeed, there is no assignable limit to their desire to consume, except their power to pay for the articles we produce. It must be remembered that by our policy, and under our government, the native manufactures have been entirely destroyed. Their only means of production are limited to the soil. They have a soil peculiarly well adapted to the growth of sugar. I see my hon. Friend, one of the East India Directors (Mr. Hogg), who acted upon a Committee of Inquiry as to East India produce, when it was given in evidence by a gentleman now connected with the Government, and well versed in East India affairs, and related to the right hon. Gentleman who last spoke, that, in his opinion, the Valley of the Ganges, properly cultivated was capable of producing a supply of sugar adequate to the wants of the whole of Europe, independently of all other sources. Under these circumstances, if the question be not one purely of morals, but a mixed consideration of commerce and of finance, it is impossible for me to disregard the present necessities and difficulties of the West Indies, and the desire of the great population of India to consume our manu-

factures, if we will only afford them the means of remittance and of payment for those manufactures. We must, therefore, encourage the growth of sugar both in the West Indies and in India to the greatest possible extent. Then, Sir, the question presents itself—Is there any inconsistency upon the part of Government in adhering to their policy with regard to the distinction between free-labour sugar and slave-labour sugar? Will the House, on this subject, permit me shortly to trace the origin of this distinction? The hon. Member for Dumfries (Mr. Ewart) is, I think, present in his place; and unless I am much mistaken, the first distinction of this kind deliberately made in Parliament was made by that hon. Gentleman when he brought the question of the Sugar Duties under the consideration of the House in 1840. The hon. Gentleman upon that occasion said, he would propose that a reduction of duty should be made in favour of free-labour sugar only, and he was anxious to confine the benefit of the reduction to the manufacture of sugar not made by slaves. The hon. Gentleman felt that the difficulty in bringing forward the proposition at that time was the Treaty with Brazil, which he admitted stood in the way; and he said as it was to continue in force for three or four years longer, the circumstance of that engagement with Brazil, which must be put upon a footing with the most favoured nations, would be a hindrance to a reduction of duty upon free-labour sugar from other countries, at least for that period. But the hon. Gentleman stated that the supply of free-labour sugar from Java, Manilla, and the East, was very large, and he put it so high as 50,000 or 60,000 tons. On that occasion, the right hon. Gentleman the Member for Taunton resisted the Motion of the hon. Member for Dumfries. I had the honour to be present in the House, and the noble Lord (Lord John Russell) then the Colleague of the right hon. Gentleman, also resisted the Motion. I do not think I heard in the subsequent debates, or this evening, in the two speeches by my right hon. Friend the Chancellor of the Exchequer, and by my right hon. Friend the Member for Newark (Mr. Gladstone), in opposition to the proposition now made by the noble Lord, any answer materially different from those which the right hon. Gentleman (Mr. Labouchere) and his Colleagues, in 1840, urged in reply to the proposition of the hon. Member for Dumfries. The right hon. Gentleman the Member for Taunton, I distinctly remem-

ber, stated then what we state now, that the question was not to be regarded as merely a financial or commercial question, but also as one of moral consideration—the very consideration to which the right hon. Gentleman the Member for Edinburgh has to-night adverted. He insisted upon the great weight of these mixed considerations; with his usual ability he stated them at considerable length; and the House on this mixed view of the case rejected the Motion of the hon. Member for Dumfries. The hon. Member for Sheffield was in his place just now. Upon the occasion I allude to, the question arose respecting the feelings of the constituencies with regard to the great reduction of price which might be obtained upon the introduction of slave-labour sugar at an equal duty with free-labour sugar; and, if I mistake not, the hon. Gentleman the Member for Sheffield presented a petition from Sheffield. This petition set forth that Foreign sugar should not be admitted indiscriminately, but that sugar the produce of free labour should be admitted under such advantages as to exclude all sugar the produce of slave labour. That was the opinion of the constituency of Sheffield at that time; and the right hon. Gentleman the Member for Taunton insisted upon this petition, and the sentiments it expressed, as indicative of the feeling of the British community upon this particular question. So far from there being a desire to obtain some small reduction in the price of sugar by any encouragement of the free admission of slave-labour sugar upon equal terms with free-labour sugar, the right hon. Gentleman repudiated the notion of the people of this country wishing for low prices at all hazards, with no reference to the Slave Trade; and he instanced this petition as a proof that the popular constituencies of this country were adverse to the proposition of the hon. Member for Dumfries, which would lead to a large introduction of slave-grown sugar. Sir, in the debate of 1840, the same arguments that have been urged with regard to cotton, tobacco, and other products being freely admitted into the British market, which are avowedly the produce of slave-labour, were argued with great force; and how did the right hon. Gentleman the Member for Taunton deal with that part of the case? Exactly as we now contend it ought to be dealt with, notwithstanding all that has been said by the right hon. Member for Edinburgh. In the first place, the right hon. Member for Taunton contended that cotton and tobacco do not enter into competition with similar articles raised by

free labour in our own Colonies. The Irish Act to which the right hon. Gentleman (Mr. Macaulay) referred, with regard to tobacco, had then been passed. The same arguments that were applicable at that time are applicable now; and the answer is—we do not contend for an absolute exclusion, or for any new restrictions upon slave-labour produce, which has been long received into the British market; but we say, it is one thing to admit, upon terms not new, to an accustomed market, slave produce which has been long admitted here; but it is quite another thing in its effects and consequences, to open the British market permanently to the great staple produce of slave labour—namely, sugar; a market which takes off nearly one-fourth of the whole quantity produced for the market of the world—and this too upon equal terms with the free-labour produce of other States, or of our own Colonial dependencies. I think the expression used, if I mistake not, by the right hon. Gentleman was, that he was not prepared to open the floodgates of foreign supply, and to inundate the market of this country with sugar, the produce of slave labour; which, he said, would be the effect of yielding to the proposition of the hon. Member for Dumfries? Then with respect to Dr. Lushington. What, Sir, was the language of Dr. Lushington on that occasion? He said, that the admission of sugar, the produce of slave labour, would, in his opinion, be tantamount to the abandonment of the whole of the anti-slavery policy of this country—in his opinion, considering the circumstances of the case, it would be reversing their course of policy, and abandoning the principles upon which they had hitherto acted. And Dr. Lushington went on to say, that we might withdraw our cruisers employed in checking the Slave Trade, and that we might abandon our anti-slave policy as desperate and hopeless, if we consented to the measure proposed by the hon. Gentleman the Member for Dumfries. Such was the opinion of Dr. Lushington as to the measure then proposed with reference to the admission of slave-labour sugar and free-labour sugar into our market on equal terms. It was contended, not only by Dr. Lushington, but by many other persons who were distinguished for the support they gave to the measures adopted for the emancipation of the slaves in our own Colonies, and for their resistance to the Slave Trade and slavery—it was contended by them in the debate referred to, that the

measure proposed involved a departure from our established policy with respect to the Slave Trade, and that its adoption would entail a national disgrace, convicting this country of gross inconsistency, in adopting, for the sake of pecuniary gain, a line of policy which, on moral considerations, could not be defended. Now, Sir, on that occasion, when I was opposed to the Government, I voted with the majority, yielding to the arguments employed by the hon. Gentlemen who were opposed to the introduction, on the terms proposed, of slave-labour sugar. In 1841, I steadily adhered to the course I took in 1840, when I was opposed to Her Majesty's Government. In 1841, when this question was brought forward, I was also opposed to Her Majesty's Government, but I steadily adhered to the policy adopted by a large majority of this House in 1840, and from that policy I have not deviated. Now, Sir, I must say, that by the noble Lord who brought forward this question, one or two very large admissions were made, which may prove of advantage in assisting the House to come to the result at which I hope they will arrive this evening. The noble Lord admitted that some protection was due to the West India proprietors, and he also admitted that that protection must be given in the shape of a decrease of duty, at least, I think he said, to the extent of 8s. or 10s. I will not follow the right hon. Gentleman the Member for Newark (Mr. Gladstone) in his calculations as to the effect the proposition of the noble Lord, as enunciated by himself, would have upon the Revenue, if adopted by the Legislature. My right hon. Friend brought his calculations in a clear and explicit manner before the House. But whatever the amount of the lower duty may be, or whatever may be the amount of the higher duty, still the proposition of the noble Lord—admitting that protection is necessary, and that that protection shall be a duty of 8s.—cannot be carried into effect without a very considerable loss to the Revenue of this country. But now, Sir, it is not contended by her Majesty's Ministers that it would be possible to effect the purpose of giving protection to the Colonies—which we do not dissemble, in this proposition, it is our intention to give—without some revenue being lost to the State. The effect of granting this reduction of duty, as we propose it, will be a benefit partly to the producer and partly to the consumer. It is enough for us to have shown that the extent

of reduction of duty will have the effect of reducing the price of sugar from 1*d.* to 1½*d.* a lb., in the retail price, to the consumer in this country. The right hon. Gentleman the Member for Edinburgh, altogether disclaimed the intention of throwing upon his political adversaries in the discussion of this question the charge of hypocrisy. And I cannot but think that it would be well if such charges were altogether omitted in our discussions; for I do not think that such charges interchanged in our debates are calculated to elevate the character of the House, or tend to the fair elucidation of the subjects brought under our consideration. Charges of this kind are easily made. Nothing is so easy as to say, when assent is not at once given to a general principle on the part of those who differ from it, that their difference is not honest—nothing so easy as to say that any proposal of those who seek to qualify it is absurd, and that such modification ought not in reason to be adopted. But it is impossible, Sir, we contend, to treat the question we are considering on merely abstract principles, and without qualifications, and without modifications as to the peculiar circumstances having reference both to time and place. And I am of opinion that the measure brought forward by Her Majesty's Government will effect good objects. I am of opinion it will give to the consumer a reduction—a considerable reduction—in an article that enters largely into consumption; it will give to the British Colonies a stimulus which must be attended with the most beneficial results; and it will give a great encouragement, in the East Indies, to the growth of that particular product for which the soil of that country is best suited. And all these advantages will result from the adoption of this measure without any encouragement being given to the Slave Trade, against which the faith and honour of this country are pledged. Now, Sir, I must say, if good faith is to be a paramount consideration, it will be a great question whether, after all our pretences with reference to a desire to put down the Slave Trade, and after all our eagerness to maintain those treaties entered into for the Right of Search, which have been referred to by the noble Lord and others who have taken part in discussions with regard to the Slave Trade—it will be a great question, whether, after the measures taken by this and other countries to put down the Slave Trade, it can be consistent in us sud-

denly to open the British market to slave-labour sugar, and thus offer to it all the encouragement such a proceeding would afford. I am, Sir, distinctly of opinion, that any such sudden change of policy as that of admitting slave-labour sugar and free-labour sugar into the market on equal terms, would not fail to have the double effect of encouraging the production of slave-labour sugar, and of discouraging, at least in an equal degree, the production of free-labour sugar. Every such result fostered by our legislation, and encouraged by Parliament, is inconsistent, and in opposition to the national faith and to national pledges. The adoption by Parliament of the measure suggested by the noble Lord would be opposed to the principles formerly acted upon by the House, and would have an adverse tendency to that policy which has for a long period received the steady maintenance and support of Parliament and of the people of this country. I have no apprehension on this subject. I have no fear but that the measure by which we shall be able to secure to the consumer a great reduction in the price of sugar, without departing from the anti-slave trade policy hitherto adopted by this country, will receive the sanction of the British community; and certainly, Sir, I cannot hesitate to give the measure proposed by the right hon. Baronet (Sir R. Peel) my cordial and unhesitating support.

Mr. C. Wood was not surprised that the right hon. Baronet (Sir J. Graham) should have omitted all allusion by way of reply to the able speech of the right hon. Gentleman the Member for Edinburgh (Mr. Macaulay), for a speech more brilliant and more unanswerably argumentative he (Mr. Wood) never heard in his life. The right hon. Baronet complained that that speech dealt with only one branch of the subject they were discussing—the moral and political, and that it left out the commercial and financial part of the question. But on the commercial and financial advantages of the measure, the Gentlemen on the other side had not a word to say. The right hon. Gentleman the Member for Newark (Mr. Gladstone), as a commercial and financial measure, gave it up altogether. He defended it chiefly on political and moral grounds; but for this moral part of the question the Gentlemen opposite were entirely without a defence. And he (Mr. Wood) thought that the right hon. Gentleman the

Member for Edinburgh, had, in reference to the political and moral argument, removed from the supporters of the measure proposed by Government, the only grounds upon which they could defend it. He (Mr. Wood) was amused at the distinctions which had been made by the right hon. Gentleman the Member for Newark. The noble Lord the Member for London stated that the measure proposed by Government was a distinct encouragement to the cultivation of slave-labour sugar, inasmuch as whatever quantity of free-labour sugar was withdrawn from the market of the world, it would necessarily be supplied by slave-labour sugar. But the right hon. Gentleman (Mr. Gladstone) seemed to treat this statement with great contempt. And how did the right hon. Gentleman meet it? Why, he admitted that the adoption of the measure would have a great tendency to produce the effect predicted by the noble Lord. What was this but a quibble—for he could designate it by no other name. And when it came to this, that when it was admitted by the advocates of the measure themselves that “it had a tendency to promote slave-grown sugar,” they were at the same time to stand up in that House and say that they were doing nothing to encourage that traffic which the Government proposed by this very measure to discourage? He said, that the measure would have not only a tendency but the effect of promoting the production of slave-grown sugar, by the amount of free-grown sugar which we should take from the markets of the world by consuming it in this country. We should thereby give an encouragement as certain, though not as direct, as if we took the slave-grown sugar itself, which other countries would do openly; and at the same time an unnecessary burden would be inflicted upon this country. With regard to the details of the question, he quite agreed that it was desirable that no irritating topics should be resorted to on either side. The speech of his right hon. Friend having been so unanswerable, with respect to the encouragement that would be given to slavery, he (Mr. Wood) might be allowed to call attention to some statements made on the other side, which appeared to him to be founded in complete fallacy. The right hon. Gentleman made out his case on the assumption that 250,000 tons of sugar would be imported

into this country, and that there would be this amount of consumption if there was a reduction of price to the amount of $1\frac{1}{2}d.$ per lb. He (Mr. Wood) admitted that the country might consume that amount. He admitted the probability that that amount of sugar would be consumed; and it was no great amount after all. It was about 20 lbs. a head for twenty-eight millions of people. It was not more than had been practically consumed per head in 1831; and therefore he had not the least doubt, provided the price was sufficiently brought down, that the people of this country would consume that amount within the next year or two. When he remembered the high rate of wages, and the prosperous state of the country; and when it was known further that even in the workhouses the consumption of sugar was thirty-four pounds per head—he admitted that the right hon. Gentleman was warranted in assuming that that quantity might be consumed, if, as he said, the price was properly brought down; but the question was, whether it would be so brought down by the proposal of the Government, because if that were not so, the right hon. Gentleman must concede to him, in return, that he could not expect to realise that amount of consumption. The noble Lord (Lord J. Russell) stated that he did not believe the measure of the Government would confer an adequate benefit upon the consumer. On this point he hardly knew how to reconcile the differences between Gentlemen opposite. In arguing upon what would be an adequate benefit to the consumer, the right hon. Member for Newark pronounced it to be a benefit proportionate to the amount of loss sustained by the Revenue; but the right hon. Gentleman at the head of the Government, and the Chancellor of the Exchequer, and the right hon. Baronet (Sir J. Graham), said, that the benefit to the consumer by this measure, would not be in proportion to that loss. They admitted that a portion of the profit would go into the pocket of the West India proprietor, which would otherwise go to the consumer, and therefore it was plain that an adequate benefit to the consumer would not be obtained according to the definition of the Member for Newark. He now came to the question of the reduction of price, and here he differed from the right hon. Gentleman. The price might be reduced by a great increase of quantity being brought in;

but there was no certainty that such a glut of the market would be created as would reduce the price to the extent calculated. There was no reason for supposing that 250,000 tons of sugar would not be consumed in the present prosperous state of the country; he had no doubt it would be. Then, the only other mode in which the price of British Colonial sugar could be reduced was by the competition of some Foreign sugar. The right hon. Gentleman stated last year that the deficient supplies of sugar from the Colonies constituted the reason for his proposing a measure which should introduce other sugar, in order to keep down the price, which was raised by the deficiency of the supply. He (Mr. Wood) was surprised to hear the doctrine which was then propounded, denied now. The right hon. Gentleman had stated that as an argument in support of his measure, and it was a perfectly justifiable one; but the right hon. Member for Newark now said that, so far from a deficient supply from our own Colonies, he anticipated from them a larger supply than ever, which would come in at the lower rate of duty; and he (Mr. Gladstone) anticipated a greater loss to the Revenue than the Chancellor of the Exchequer computed, from the circumstance that the supply would come, not from Foreign countries, but from British Colonial possessions. What, however, was the prospect of reduction of price? The right hon. Gentleman calculated that to the extent of $\frac{1}{4}d.$ per lb., a reduction of price would arise from the removal of restrictions, and the facilities that would be given to the entering of sugar. When he (Mr. Wood) looked at the complicated system of duties proposed, and the trouble and difficulty of ascertaining which duty attached to any particular class of sugars, he doubted whether the expense would not be increased rather than diminished, because he thought the proposed scale of duty would create immense difficulty. In fact, it would be almost impossible to say to what class of sugar any particular rate of duty would apply. He did not dissent from the principle referred to by the Chancellor of the Exchequer of applying a different rate of duty to sugars in a more advanced state of preparation. Whether it was practicable was another question. He had heard great doubts expressed by very experienced per-

sons on this subject. Indeed, they were entertained by the Chancellor of the Exchequer himself no longer ago than last year. The right hon. Gentleman then said, that he had consulted the most experienced persons, and that they informed him that the difficulty of distinguishing between white clayed sugar and sugar slightly refined would be extreme. He went on to say, that white clayed sugar was a new distinction, and that there would be a new difficulty in drawing a line between the clayed and the white clayed. That there would be great difficulty in making such distinctions was clear, from the arguments of the right hon. Gentleman. If in practice such difficulty appeared likely to render the measure in itself inexpedient, he should reserve to himself the right of voting against such a distinction at a future stage; but he did not object to the principle. He was sorry that neither the Chancellor of the Exchequer, nor any one else on the part of the Government, had given any detailed explanation of the principle they proposed; for, as to what class of sugar each rate of duty would apply, the House was left as much in the dark as they had been left by the financial statement of the right hon. Gentleman. It was a question which the Motion of the hon. Member for Beverley was intended to decide, whether the higher duty would not apply to East India sugar. There was a similar doubt entertained as to much of the sugar from Java, Manilla, and Siam; but it seemed clear that the one class of sugar to which the lowest duty would apply was the Venezuela and Louisiana sugar. That was the only sugar that was avowedly admissible at the low duty, and that sugar was slave grown. He believed it would be impossible to make a distinction between slave-grown and free-grown sugar; but this proposition involved the absurdity that the only description of sugar to which the lowest rate of duty certainly applied, was Foreign slave-grown sugar, which the Government were bound to discourage. The right hon. Baronet further stated, that there would be a reduction in price to the extent of $1\frac{1}{4}d.$ by the alteration of duties. If we were to depend upon any reduction of the price of British Colonial sugar, it could only be done, as the right hon. Gentleman had said last year, by the competition of Foreign sugar, whether free or slave grown. Now, the price of British

sugar, as stated by the Chancellor of the Exchequer, was 29s. 7d., which, with the new duty, amounted to 42s. 7d. But there was no reason why, whatever was taken off, the duty should not be added to the price, if there was not some circumstance that would keep it down. What had taken place already in the rise of sugar in the last few days was a convincing proof, that the price would rise, unless, as he said, there was some circumstance to keep it down; and the only circumstance that could have that effect, was some Foreign sugar coming into competition with Colonial sugar. He did not say, that under all circumstances the competition of Foreign was necessary to keep down the price of British sugar. When the supply of British Colonial sugar was greater than the country could consume, then there was no necessity for Foreign competition to keep down the price of the article—it was kept down by the glut of the market, and on this point the argument of the Chancellor of the Exchequer to-night was good for nothing. It was not applicable to the circumstances in which we are placed, or to the circumstances in which we are likely to be placed; and the only circumstance upon which we could depend to keep down the price of sugar, was the competition of some Foreign sugars or other. The Chancellor of the Exchequer took the average of all Java sugar, and attached to it the lower rate of duty. What did the right hon. Gentleman the First Lord of the Treasury say? He stated what amount of Foreign sugar he expected to be entered into this country—he estimated 5,000 tons of Muscovado sugar, and 15,000 tons of white clayed, so that three-fourths of the Foreign sugar, upon the competition of which he relied for keeping down the price of British Colonial sugar, was, upon his own showing, the higher description of Foreign sugar, and upon that description the higher rate of duty would attach. Then, in spite of the right hon. Member for Newark, he (Mr. Wood) did refer to the *Price Current*, and he found that the price of the higher qualities of Java sugar averaged from 22s. to 24s. 6d. Add to that average the higher duty of 28s., and the price of that description of sugar upon the competition of which the Government depended for keeping down the price of British sugar, would be 51s. 3d. under the new duty. It was clear that up to that

limit, if the supply was not adequate to the demand, the price of Colonial sugar might rise before it could be checked by the only circumstance that could keep it down—the competition of Foreign sugar. Then came the question, what benefit would result to the consumer from the measure of the Government? The difference between the lowest price at which we could depend upon obtaining Foreign sugar—the difference between that and the present price—would be the benefit to the consumer, and no more. Take the most favourable case. The present price of sugar was higher than the average of the last six weeks. The present price was 56s. 6d. Deduct from that the price of Java sugar, 51s. 3d., and it would leave a difference of 5s. 3d. Take the average of the last six weeks, with the addition of the duty, and it would leave a difference of 3s. 9d. only. But giving the Government the whole benefit of the present price, 56s. 6d., the fall in price—that is the benefit to the consumer—would be only 5s. 3d. per cwt., instead of 14s., or whatever the right hon. Gentleman had said. It would be somewhere about from a halfpenny to three farthings per lb., even on his own showing. The whole argument of the Government was based on the supposition that the consumption would amount to 250,000 tons, and that depended on a reduction in price to the extent of 1½d. If they failed in the amount of consumption, they failed in their argument altogether, and he thought he had shown that there would be only one-half the reduction they assumed. Unless they insured a fall of a penny in the lb., they did nothing effectual, and he thought he had shown clearly that the reduction did not amount to a penny. The fact was, that one-half of the loss to the Revenue would go to the consumer, and one-half to the West India proprietor. Then, again, he said, his noble Friend was justified in his assertion, that the measure would not give adequate benefit to the consumer. He did not wish to go at length into the question of revenue, but he must say that, according to the calculations of the Customs, the Government would not get the revenue they anticipated. The Customs calculated that 15,000 tons more of Colonial sugar would come in, and this would exclude the same amount of Foreign sugar, on which the Government calculated that they should receive the higher rate of duty. Colonial

sugar paid a duty of 14s. per cwt., and Foreign clayed sugar 28s. The Government calculated upon receiving 420,000*l.* from Foreign sugar upon the higher duty; but as the Customs calculated upon the same amount of Colonial sugar at one-half the duty, there would be a loss of 210,000*l.* If, indeed, the Government could calculate on a much larger importation of sugar, the Revenue might to some extent recover, but there seemed no great prospect of that. They could not expect much increase from the West Indies, if the complaints of the great want of labour were well founded. Neither could they expect a great supply of sugar from the East Indies. They imposed a differential duty upon East India sugar, which was, in fact, imposing a discouragement upon its cultivation, and, therefore, they could not expect a great supply from that quarter; and he thought, therefore, that the expectations of the Government could not be realised, either as regarded the benefit of the consumer, or the maintenance of the revenue. He consoled himself, however, with the belief that this measure could not be permanent. He believed it to be impracticable in its details; and if the supply was not more extended than he thought probable, the Government must, upon their own principle, and as in fact they had done in the case of coffee, be prepared to come down to the House in the course of a year or two, and propose further relaxations of the differential duties on all sugars the produce of Foreign countries, whether slave or free. Notwithstanding all that had fallen from the right hon. Gentleman the ex-President of the Board of Trade, there was an increased feeling in the public mind against the distinctions which the Government wanted to sustain in dealing with the question of sugar. He himself had conversed with many persons upon the subject of that distinction, and he found no one who talked upon the subject who did not designate it as an absurdity. There was a considerable change of opinion even amongst the anti-slavery party and those persons who had hitherto taken a prominent part in the measures which had been agitated and adopted for the suppression of slavery. It was impossible to conceal the strong opinion which was gaining ground without, that the measures which this country had pursued for some time, were not well calculated to serve the interests of humanity; and Sir Thomas

Buxton himself, and others, of whom he ever thought and spoke with respect and reverence, had distinctly avowed their opinion that in respect to the Slave Trade the exertions which the country had made, instead of checking the Slave Trade, had only tended to aggravate its horrors. Many persons who had taken, and still took, a most active part in anti-slavery measures, entertained the opinion that the distinction between slave-grown and free-grown sugar, which, indeed, was that evening thrown entirely over by the right hon. Gentleman the Member for Newark, was absurd and untenable, and believed that slavery would be more favourably affected in the end by abolishing such distinctions than by maintaining them, and consenting to receive, in competition with our Colonial produce, free-grown sugar alone. The superiority of free labour over slave labour, in the cultivation of sugar, was manifest, from a comparative statement which he held in his hand, and from which it appeared that the same amount of labour which in Cuba would produce only 24,666 lbs. of sugar in a given time, would in Mexico produce 5,332, that was to say, twice the amount produced by slave labour. He did not consider that the duties as now proposed to be fixed, could be permanent. Believing that, he must say the Government were to blame in not taking the present opportunity of doing what they should do—admitting all Foreign sugars, without distinction, and at a lower differential duty than they now proposed. They could not hope to satisfy the unreasonable expectations of the West India proprietors. A petition had been presented from British Guiana, stating that the admission of Foreign free-labour sugar had already wrought the colonists a great injury. Eleven hundred weight of free-labour sugar had been imported into this country, and that was the whole amount of benefit conferred by the measure of last year upon the consumer, and yet that small importation, in the opinion of the colonists of Guiana, had worked them a severe injury. Such complaints were only ridiculous. Much had been done for the West India Colonies. The intercolonial duties had been materially reduced; they were now enabled to refine in the Colonies; a great reduction of duty on Colonial sugar was to be made: all these boons over and above the payment of 20,000,000*l.*

had already satisfied their claim, and they ought no longer to stand as an obstacle between the people and just legislation upon this subject. Before long this undue distinction in their favour must cease; but it would have been far wiser and more politic to have adopted a course which they would complain of as a hardship, at the time when great and acknowledged benefits were conferred upon them. Having on a former evening expressed his opinion, in conformity with the latter part of his noble Friend's Resolution, that the mode of dealing with the Sugar Duties rendered the probability of relieving the country from the pressure of the Income Tax at the expiration of the three years extremely uncertain; he would not now repeat those arguments, but would merely state his entire concurrence in every part of his noble Friend's proposition.

Sir *R. Peel* said: There is one complaint which we have heard to-night, a complaint made by the right hon. Gentleman who has just sat down, which appears to me to be both unreasonable and unjust. He says, that we have not entered into those details explanatory of the probable working of our intended measure, which at the present moment the House has a right to expect at our hands. Sir, it is the wish of the Government to give those details; and I am surprised that it should have escaped the attention of the right hon. Gentleman that my right hon. Friend the Chancellor of the Exchequer intimated his intention of going fully into these details this day in a Committee of Ways and Means. It was well understood, that my right hon. Friend proposed this day to supply the omissions on this subject made by me in my general statement. In this design he was intercepted by the noble Lord the Member for London. I do not say that he was unfairly intercepted, but he certainly was prevented by the Motion of the noble Lord from taking the course which he had intended—and he has been deprived of the opportunity of doing that which he intended. By the Motion of the noble Lord a different issue has been raised from that of which the Government gave notice; and the noble Lord contends, before we discuss the Resolutions of which we had given notice in detail, that we shall again discuss the question which we have before discussed, namely, whether we shall exclude slave-

labour sugar from competition with free-labour sugar. The noble Lord, in his speech this evening, avoided all details about the policy of a discriminating duty on Foreign sugar. He had said nothing of the details of a Resolution, although he had invited them to enter into the question whether or no there should be any discrimination in respect of sugar the produce of slave labour. In avoiding details, therefore, the Government had only followed the noble Lord's example, and, therefore, the complaint of the hon. Gentleman was entirely without foundation. The right hon. Gentleman had referred to the Income Tax, and I must express my surprise that it should be considered right to make attacks nightly upon the Income Tax, when almost every Member on the other side of the House appears determined to vote in its favour. Now, if you object to the Income Tax, why don't you vote against it? If it be the inquisitorial, oppressive impost which you say it is, then why concur with me in advising Parliament to retain it? The noble Lord says that you have no sufficient guarantee that the Income Tax will be repealed at the end of three years, or even that it may not be continued for six years yet to come. But I ask, how do you reconcile these strong objections to the Income Tax, with the fact that you are willing to go out with me in favour of that Tax? The right hon. Gentleman says he fears that without the Income Tax we should not have a surplus at the end of two years, but a deficiency. If I rightly understand him, he does not estimate that deficiency at more than from 500,000*l.* to 600,000*l.* Will any one tell me that the right hon. Gentleman or the noble Lord estimates his own financial ingenuity so low as to suppose that he could not make provision for that trifling deficiency without having recourse to so odious and abominable a measure as the Income Tax? Surely a few hundred thousand pounds might be made good without the aid of five millions. The noble Lord, in effect, says, that he is satisfied that my tax shall go on for three or even for six years; and thus he lays a good ground to enable himself, some three years hence, to remind the House that he had been a supporter of the Income Tax. In 1848, he probably wishes to be able to tell us that in 1845 he had seen the necessity of an Income Tax. The fact is, that you approve of our

tax, not because of the small deficiency which you think its absence would occasion, but because you think that the present is a favourable time for trying a great—and, I admit, a bold—experiment, in respect to the taxation of this country. You expect it will be convenient to you to show at a future time that you have recorded your approbation of this source of revenue. I cannot forget that we have not been successful in making commercial treaties with foreign countries. [“Hear.”] Have I ever denied it? We propose this, then:—That as they will not enter into commercial negotiations with us, we shall attempt measures of another sort; and, believing our proposed reductions to be intrinsically good, we are ready to make them, trusting their efficacy will be so seen and so felt in other countries as to induce them to follow the example set by us. If we have been wrong in attempting to negotiate commercial treaties with other countries, why other people have been wrong also, for they have attempted precisely the same thing. Up to the present period, every Administration has attempted to enter into those commercial treaties, and if other countries could be induced to enter into them, there would no doubt be a double advantage gained. It would be a great advantage to the people of this country to be able to carry on a direct traffic with these countries. It would greatly increase the advantages of our reduction of duties, if we could prevail upon other countries to make corresponding reductions. But the question is, shall we postpone a direct benefit to ourselves, for the distant hope of prevailing on other countries to give us reciprocal benefits? I understand the noble Lord cordially to approve of this. [*A motion of assent from Lord John Russell.*] Then the noble Lord approves of the Income Tax. If not, will the noble Lord allow me to ask him if he would consent to remit three and a half millions of taxes without reserving the Income Tax? The noble Lord knows that he could not; and, therefore, do I say, that he cordially approves of the Income Tax. After reading the Resolution of the noble Lord, and after having listened to a great part of his speech, I cannot understand why it was that the noble Lord did not vote the other night with the hon. Gentleman the Member for Manchester. A great part of the speech of the noble Lord was occupied in

showing that we are paying money into the pockets of the West Indians, by establishing in their favour a discriminating duty; that such a duty is a great loss to the consumer in this country; that the State does not get the whole benefit of it; that the difference is divided between the consumer and the producer; but that a large share of the reduction goes into the pockets of the producer. If I had not read the proposal, or rather the Resolution, of the noble Lord, and if I had only listened to a portion of his speech, I should have taken it for granted that the noble Lord and the other right hon. and hon. Gentlemen around him would have given their cordial support to the hon. Gentleman the Member for Manchester. The noble Lord appears to be oscillating between this Bench (the Ministerial), and that (the Opposition), for the noble Lord, after having made an excellent speech in favour of the hon. Gentleman the Member for Manchester, said, that he thought, on account of the position of the West Indian Colonies, and considering the great experiment made with respect to slavery and the Slave Trade, and that sufficient time has not elapsed for that experiment to be tested, in exact accordance with my own opinion, the West Indian Colonies are entitled to some protection. The hon. Gentleman the Member for Stockport, like a disconsolate and forsaken maiden, has complained that I have jilted him. I certainly have had the singular good fortune of voting along with the hon. Gentleman. On that occasion my hon. Friend the Member for Bristol proposed that the duty on sugar the produce of the West Indies should be reduced to 20s., and that discriminating duties on sugar the produce of free labour, and not sugar the produce of British possessions, should be continued. That proposal of my hon. Friend the Member for Bristol I opposed; and I was supported by the hon. Member for Stockport. I then said that the reduction to 20s. would be very little benefit to the consumer; that it would be much better, whenever we made a reduction, to provide that it should be such a reduction as would be a benefit to the consumer. I held then that we ought to establish a duty which would give protection to sugar the produce of British plantations; not to establish one which would press severely on the produce of free labour. If the House should determine that there shall

be no protecting duties on sugar the produce of British plantations, then I think there ought to be no discriminating duties on sugar the produce of countries where free labour exists. The charge which the hon. Gentleman made against me is not well founded; but the hon. Gentleman can accuse, and with some justice, the noble Lord of having deserted his principles. The noble Lord has said that "protection is the bane of agriculture." Protection is the bane of agriculture! It sounds remarkably well. At the commencement of this Session the noble Lord said, that protecting duties were the bane of agriculture—that protecting duties were positively injurious to agriculture. If so, then all protection ought to be removed from agriculture. If protection were proved to be the bane of agriculture, then so it was of sugar; and all protecting duties should be removed from it also. "Protection," said the noble Lord, "is the bane of agriculture." Does the noble Lord think so? At the close of last Session the noble Lord said that agriculture was fairly entitled to protection; and the noble Lord said that it was so entitled on account of the local charges to which it was subjected, and, amongst other things, on account of the Malt Tax. The noble Lord by such expressions had considerably disturbed the agricultural mind during the vacation; and as there was a chance, or an expectation, that the noble Lord might make a counter proposal for the abolition of the Malt Tax, the noble Lord's agricultural friends had lived in expectation during the recess; but now they found the noble Lord supporting his proposal for continuing the Income Tax. They will find, too, the noble Lord voting with me for a remission of the glass duties—for a remission of the cotton duties—and the noble Lord will also be found voting with me, when I oppose a reduction of the malt duty. The hon. Gentleman, then, has no right to complain of me as having jilted him; but he may turn round to the noble Lord for having held out expectations which he was destined to disappoint; for when the hon. Member asked the noble Lord to fulfil his promise, the noble Lord turns round for the purpose of voting with me. It will be better to-night not to enter into the details of the Resolution, nor to argue the points raised as to discriminating duties. I shall not enter into that question, which I have often dis-

cussed before, and upon which I have very little new to say beyond that which I have already stated. The subject to which I wish to address myself, is the question, whether it be right or not that sugar the produce of slave labour, should enter into competition with other sugar the produce of free labour. In approaching this subject, I cannot but say I admire the tone and temper of the noble Lord's speech in support of his views. At the same time, it is only fair to admit, that had he thought proper to bring any charge against us, we should have been perfectly able to meet it. The right hon. Gentleman opposite the Member for Edinburgh did certainly make a charge against us tantamount to that of hypocrisy; that he did so courteously and in a fair spirit of animadversion I admit, but such certainly was the purport of his observations. The right hon. Gentleman said, with perfect civility I am bound to observe, that if it had not been for the recollection of my vote on an old Resolution of 1841, which had had the effect of turning out the late Government, he had no doubt but that Her Majesty's Government would have been ready to admit slave-labour sugar into competition with free-grown sugar. That was the insinuation which the remark of the right hon. Gentleman conveyed against me. I do not complain of it, for he had a perfect right to express his sentiments as to my conduct; but it was tantamount to an assertion that we are not at this moment prepared to do our duty by the country, solely in consequence of the recollection which we have of some former vote given by us in this House on a Resolution proposed to it. I must say, Sir, after having given the subject the fullest consideration, and if I did not retain one jot of recollection with respect to any former vote which I may have given in this House, that I should not, under the circumstances in which the whole question is involved, have felt the slightest disposition to admit sugar the produce of slave labour to compete on equal terms with free-grown sugar. And I will tell the right hon. Gentleman my reasons:—I do not think that this course would be consistent with justice towards our own Colonies; nor do I think, notwithstanding the able speech of the right hon. Gentleman, that it would be consistent with those principles which we have avowed, or with that course which we have hitherto

adopted, if we are now to agree to a Resolution admitting slave-grown sugar into competition with free-labour sugar at a small discriminating duty. I will consider the subject in the first place so far as it affects our own Colonies; and I am ready to admit, that if the question were one merely affecting our financial or commercial interests, I should not be prepared to defend the course which Her Majesty's Government has taken with respect to the Sugar Duties. I repeat, Sir, that looking at the question in a pure abstract point of view, and solely with reference to finance and commerce, we ought not to make this great distinction between slave-grown and free-labour sugar. But, Sir, it is totally impossible to disregard the situation of the Colonies at this moment. I am ready to admit that a great sacrifice was made by the people of this country to compensate the West Indian proprietors for the value of the slaves who were set at liberty. I admit that this country has to bear a permanent debt on that account. But I do not think, however onerous the burden of that debt may be to the people of Great Britain, and however complete the satisfaction which the payment made for their slaves to the Colonists may have been (which, however, I very much doubt)—I repeat I do not think that this transaction relieves you from those considerations of duty which you would still owe to these Colonies, if the present discriminating duties upon sugar were to be altogether abolished. What is the course which you propose to adopt? You first abolish slavery throughout the whole of your Colonies, rendering them entirely dependent upon voluntary labour for the cultivation of the soil; and you next proceed to throw open your markets for the indiscriminate admission of sugar from the Brazils and Cuba—countries where slavery not only exists in its very worst form, but also countries which have maintained their Slave Trade and their traffic in human life, in open violation of their most solemn engagements with this country. I think, Sir, that the practical effect of admitting the slave-grown sugar of these countries would be so completely to disable the West Indian Colonies as to incapacitate them from supporting their present burdens, so that I doubt much whether the sacrifice which you make in this respect to the interests of the sugar consumers, if you are

to have any Colonies at all, would not be more than counterbalanced by the injury you would inflict on those possessions of the Crown. But, Sir, the right hon. Gentleman says, that looking at what we have done with respect to the indiscriminate and free admission to consumption here of other articles equally with sugar the produce of slave-labour, how is it possible for us to continue to shut out slave-grown sugar upon that plea alone? The right hon. Gentleman has spoken in terms of strong indignation of the conduct of the United States with respect to slavery, and he not only referred to the laws and regulations respecting slaves of the States themselves, but he spoke with considerable vehemence, and I must admit with great eloquence, of the usages and practices of society in that country towards this class; and he likewise referred to the declarations of public men there, and to the institutions which existed in the States for the more complete subjugation and depression of the race of slaves. The right hon. Gentleman also stated, that if anything could raise the indignation of all mankind, it was the aggravated form in which slavery appeared in the United States, and in those States which were slave-breeding countries, and he ascribed to them the hostility that had been shown to the exercise of the Right of Search, expressing likewise his opinion, which perhaps may be well founded, that France would not have resisted the exercise of the Right of Search if the United States Government had acquiesced in it. Now, these statements and suppositions of the right hon. Gentleman may or may not be true; but it cannot be otherwise than perfectly obvious, that the United States have a perfect right to perpetuate the existence of slavery throughout their own domains. The people of those States may be right or wrong in so doing—of that we can have no cognizance. But they most certainly have a right to maintain the existence of slavery, as an independent nation, uncontrolled by other States. But the right hon. Gentleman observes that in the Budget which I submitted recently to the House and the country, I have admitted slave-grown cotton, and rejected slave-grown sugar. He says also that he will not oppose the admission of cotton duty free; he admits that he approves of my intention, and expresses his doubts whether, if the House were to reject my pro-

posal, they would better the condition of the slaves. The right hon. Gentleman, moreover, expresses his doubts whether the rejection of the slave-grown cotton of America would not rather retard the progress of emancipation there, by exasperating the people, and by paralyzing the efforts of those amongst them who seek to abolish the existence of slavery in the United States; and he concluded by intimating that the interest of humanity might suffer if the repeal of the cotton duties was successfully opposed. Be it so. The right hon. Gentleman may be right in his views; I shall not at this moment attempt to gainsay them. But what I want to show to the House is, the wide difference that actually exists between sugar produced by slave labour in Cuba and the Brazils, and cotton similarly produced in the United States. In the first place, there is a great and a marked distinction between the cultivation of sugar and that of cotton with respect to the unhealthiness of the occupation. The cultivation of cotton is very considerably less toilsome and less injurious to the health of the slaves engaged in it than is that of sugar. But I do not rely upon this as an argument. What I do rely on is the fact, that there are only two countries in the whole world which are formidable rivals to our Colonies in the production of sugar, and those countries are precisely the two States which stand towards England in the peculiar relation maintained by Cuba and the Brazils. The right hon. Gentleman stated in the course of his speech, that he would not interfere in the family or domestic affairs of the United States, meaning in their internal regulations or laws affecting slavery. He said that the slave population there had no claim upon him; and he expressed his doubts whether the enforcement of such a claim, supposing it to have existed, would have done any good. But I will show the House that the conduct of the Brazils and Cuba in respect to the production of sugar is contrary to the dictates of humanity, and that it inflicts the greatest evils upon that class of human beings which has the strongest claims to our sympathy and protection—I mean the negro races who inhabit the coasts of Africa. We stand, Sir, as a nation in a very peculiar situation with respect to the Slave Trade. We have contracted certain serious and lasting obligations on this subject. It may be all very

well for us to be told that the Foreign Slave Trade is nothing to us. That is a question quite apart from the one which I am dealing with. We have resolved as a nation to suppress the trade in slaves. We have made a clear distinction between the abolition of slavery and the extinction of the Slave Trade. We have nothing to do with the existence of slavery in the Brazils. Why could we not at once abandon our endeavours to extinguish slavery throughout the world? The noble Lord (Howick) has said that he does not know whether it would not be wise to do so. But that is not our position with respect to the particular subject to which I am addressing myself. We have resolved to act against all those who continue to carry on the trade in slaves, and we have invited other nations to join us in this course of proceeding. We maintain a constant guard over the Coast of Africa, to prevent this trade from being carried on. Many are of opinion that this is unwise in us, and many others publicly say so. I am not arguing with those who entertain these opinions; I am merely stating the course which this country has adopted, and now follows, under the express direction and sanction of Parliament. I repeat it, this House has bound the country to this course; and the hon. Baronet the Member for the University of Oxford has repeatedly, on behalf of himself and his constituents, expressed his determination and willingness to co-operate with every Ministry that may be in power, in order to effect the total suppression of the Slave Trade. We have entered consequently into treaties for this purpose with many Foreign Powers. Amongst those Foreign Powers there are two in particular, namely, Spain and the Brazils. Those Powers have solemnly agreed, and have pledged themselves, to do their utmost to suppress the trade in slaves, not only amongst their own subjects, but also in all the seas within the limits of their respective Empires. What, then I ask, are the facts with respect to the fulfilment of these treaties? Those facts not being under our own immediate observation may not be so well known to us as they would have been had this country been still engaged in the trade in slaves. At the same time we have acquired a knowledge of them, and upon that knowledge I state my positive and unalterable belief that if you admit the sugars of Cuba and the

Brazils to free competition with other Foreign sugars in our markets, you will give a fresh impetus to the existing trade in slaves. You may think that the Slave Trade on the coast of Africa is extinct. It is not extinct; and I believe it will revive if you agree to the noble Lord's Resolution, notwithstanding we act as the police of the whole world in endeavouring to suppress this most odious traffic. The noble Viscount opposite (Lord Palmerston) gave an account two Sessions ago of the horrors which were still perpetrated by those engaged in the Slave Trade. He stated that human beings were still entrapped on the coast of Africa, and that they were packed to the number of 600 or 700 between the decks of a slaver, the space of two feet, or at most two feet and a half, being allowed for each human being during the transit from the coast of Africa to their place of destination, which the noble Lord indicated to be the two countries I have named—Cuba and the Brazils—those countries, Sir, whence the sugar is to come which the Resolution before the House proposes to admit on the same terms as free-labour sugar. Let us only conceive the dreadful sufferings of the 600 or 700 human beings, packed two feet apart between the stifling decks of a slaver, whilst on their way to Cuba or the Brazils. The noble Lord opposite stated the fact that on their arrival at their destination in the Brazils, they were often found to have been paralyzed in their limbs, and rendered helpless cripples for the remainder of their lives. The state of things so well described by the noble Lord still exists in the two countries I have named. And, Sir, I maintain that under the obligations which we have voluntarily and for many years cheerfully borne, we are bound to do all in our power to suppress so horrible a traffic. I will read the noble Viscount's words with reference to this subject—words used by him on the 16th of July, 1843, during the discussion in this House on the subject of the Slave Trade.

“But both Spain and Brazil are bound, by treaties concluded with us, to prohibit all their subjects from engaging in, or being concerned with, the Slave Trade in any manner whatsoever; and they have, in pursuance of those treaties, promulgated laws denouncing severe punishments upon such of their subjects as may have anything to do with the trade. But these Governments notoriously set at nought their engagements, and systematically disre-

gard them, while they permit their own laws to be daily and openly violated with impunity.”

And the facts, Sir, are still as the noble Lord here states them. That, Sir, is the fact. The two countries which have entered into engagements with us have systematically violated and evaded, and do now systematically violate and evade, those treaties. What then would be the effect of encouraging the introduction of the slave sugar of these countries into our market? Can any one doubt that the effect would be to give a great stimulus to the Slave Trade? In the Brazils and in Cuba there is a great amount of virgin land which may be turned to profitable account by the cultivation of sugar. I say, then, that the ultimate effect of opening the British market to the sugars of Cuba and of the Brazils will be to give an encouragement to the Slave Trade. It appears in the course of the last year, between the months of April and November, we captured either thirty-seven or forty-seven slave vessels on the coast of Africa. We placed an increased force on the stations along that coast, and the result was, that no less than thirty-seven or forty-seven vessels were captured. In the year 1844, as compared with the year 1843, the number of captured vessels adjudicated upon by the Mixed Commission Court—and I am not now speaking of the Vice-Admiralty Court, that is in addition—was, in 1843, fifteen vessels; and in 1844, thirty-five. This was the consequence of the more vigorous measures we adopted, so far as the detention of vessels is concerned. I am afraid, however, that the number of vessels captured is a very imperfect test, for I fear that the number of negroes landed in the Brazils and in Cuba has not diminished; and this is not our fault, but the fault of the authorities of those countries, who have not discountenanced but encouraged this traffic. The authorities of those countries, the Government and local authorities there, have the power of suppressing that traffic. When the authorities fully exercised their power in the Brazils, as they did for a short time, there was a great diminution in the traffic in slaves there. In Cuba, to his honour be it spoken, when General Valdez was appointed by Espartero, Governor of Cuba, he expressed his determination to give a check to the Slave Trade; and he was so far successful in his measures that he re-

duced the number of slaves imported into Cuba from 30,000 to 12,000, to 10,000, and in the year 1842 the number of slaves brought into Cuba did not exceed 3,000. If General Valdez had remained he would have established such a system of police that the importation must have ceased. So it was with respect to the Brazils. The vigorous efforts of the Government did cause a great diminution; but the interests of private parties, and the appeals made to the Government did overpower the public energy of the authorities, and by the connivance of the Governments in Cuba and the Brazils, the Slave Trade has been fully revived; and without the discouragement of the Governments of those countries, I am afraid that all our efforts to suppress that trade will still be ineffectual. If upon one coast we have our cruisers stationed to attack and seize those vessels which leave the coast of Africa with slaves, and if on the other coast we permit vessels to leave Cuba and the Brazils laden with sugar for importation into this country, then, indeed, will our conduct be inconsistent. I speak now of the engagements entered into with this country—I speak of the specific contracts with us, not to prevent slavery itself, not to improve the condition of the slave, but of distinct and positive engagements to prohibit and discourage the Slave Trade; and I say, that those engagements have not been kept. There is, indeed, an apparent inconsistency in permitting the importation of cotton from a country where it is cultivated by slave-labour, and then denying the importation of sugar from the same countries because it is cultivated by like labour. It is, Sir, difficult to take any course in which there is not some inconsistency; and I do not suppose that any one will advise the total prohibition of importing cotton into this country; and yet cotton is the produce of slave labour. But the question is, whether the importation of sugar from Cuba and the Brazils will not be a great curse to the African race, and whether the horrors of the Slave Trade and of slavery will not be aggravated by the permanent importation of sugar the produce of those two countries into this kingdom. If that be so, it is not the question whether there will be a slight inconsistency in permitting the importation of cotton, but whether the course which you pursue will be fair with reference to the interests of humanity so

deeply concerned in it, to our own acts, and to the engagements we have entered into with other Powers, to establish a police on the coast of Africa, and to attempt a suppression of the Slave Trade. If you entertain any new views on this subject—if the late Government shall have changed the opinions they held in 1840, they have no doubt good reasons for that change; but depend upon it the admission into this country of sugar the produce of Cuba and of the Brazils, will be considered as utterly inconsistent with your professions, and that suspicions will be confirmed, which have now no force, that you will be encouraging with one hand the crimes which you punish with the other. I do hope that in many of the countries of Europe a better feeling is growing up on the subject of the Slave Trade, and that these countries are becoming more alive to the great evils of that system; and after the steps we have taken there is a leaning towards the renunciation of slavery in their own colonies. Very recently a Minister of Sweden, with the full assent of the Crown, agreed to the abolition of slavery in the West Indian islands belonging to Sweden. In Denmark I have reason to believe they are now discussing the question whether the abolition of slavery shall take place or not. A petition has been presented to the authorities most numerous signed, praying for the abolition of slavery throughout the Danish possessions. In France they are seriously considering the question, whether they ought not to prohibit the status of slavery in the French Colonies. Portugal has been acting in a manner which entitles her to great praise; she has shown the greatest activity in the suppression of the Slave Trade, and there is no ground of complaint against her. With respect to the United States, I believe there the restriction against the presentation of any petition on the subject of slavery has been rescinded; at any rate, it is now competent for any Member of Congress to make a motion with respect to slavery, and to enter into a discussion upon it. Notwithstanding the declarations of public men of the United States, I think it will be impossible for the United States, even for their own sakes, to preserve unmitigated slavery. This, Sir, is a matter with which we have no right to interfere: the decision is in their own hands. I only say, that in the United

States the feeling is more strongly expressed for a mitigation of slavery; but, speaking of Europe, there does at present exist in Germany, in France, in Sweden, and in Denmark, a strong impression in favour of following the example of England, and of putting an end to the status of slavery. I most earnestly hope that you will not decry the experiment you have made, that you will not impair the moral influence of your example, and that you will not stop the progress of those opinions in the other countries of Europe to which I have referred. I hope that you will encourage that opinion. We are the only Power which has used efficacious means for the suppression of the Slave Trade. The United States are acting on the Coast of Africa to a limited extent; but I may speak of the continued, persevering, and the increased efforts of this country, as an evidence that England was the only country which has consistently determined to check the Slave Trade. It may be inconsistent in us to take the sugar, the tobacco, and the cotton of the United States; but this inconsistency does not affect the moral position of this country. It is admitted throughout Europe, that your sacrifices for the suppression of slavery have been most splendid and most generous; and I do not believe that there is any doubt in Europe as to the sincerity of your motives. You are now proposing to depart from that course which you have hitherto pursued. If you admit the sugar of Cuba and the Brazils, your admission will affect your moral influence—you will alter the impression entertained of you throughout Europe—you will be making the admission that your great experiment of abolition has failed, and that you have to seek your supply of sugar from other sources than your own Colonies. That taunt has been thrown out. I have stated that an increase of the Slave Trade on the coast of Africa will follow the importation of slave-grown sugar. If you import the sugars of Cuba and of the Brazils, which you know support the Slave Trade, depend upon it that the accusation uttered by Mr. Calhoun against you will be better believed than if you try the experiment of admitting sugar the produce of free labour only. I say, therefore, that independently of any feeling of restraint in consequence of what took place in 1841, I do declare that if I were perfectly free and unfettered by that Resolution, I would

give my vote against the Amendment of the noble Lord, sanctioning the principle that sugar the produce of slave labour should be admitted for the first time to compete on equal terms with sugar the produce of free labour in the markets of the United Kingdom.

Viscount *Palmerston*: Whatever the result of this division may be, and however satisfactory that division may prove to the other side of the House, there has been nothing in the debate which has preceded that division to give equal satisfaction. Till the right hon. Baronet himself rose there was no attempt made to answer the arguments of hon. Gentlemen on this side of the House; and I think I shall be able to show in a very few sentences that the speech of the right hon. Baronet was a very imperfect, if not an entirely defective answer. The right hon. Gentleman, feeling the weakness of his cause, began in a manner usual among expert debaters, with other topics than those now under discussion. He disported himself upon the Income Tax, and he taunted those Gentlemen who support the Income Tax, while they discuss and condemn the details of that measure. We say that the existing surplus is not sufficient to dispense with the Income Tax at present, and I see no inconsistency in supporting that Income Tax for the present; but we say that the right hon. Baronet has not made the best use of the surplus which he will receive from that tax. We think that he might have disposed of that surplus in a mode better calculated at the end of the three years for which that tax is continued, to enable the Government of that day to dispense with the tax; and we think that the arrangements he has adopted will at the end of that time lead to the re-imposition of the tax. The right hon. Gentleman also taunted my noble Friend with inconsistency. Now, Sir, I see nothing inconsistent in the argument that protection may in its consequences be the bane of that industry it was intended to foster, and then, seeing the amount of capital invested, and the arrangements which have been made on the faith of existing protection, object at once, and on a sudden, to take all that protection away. The Motion of my noble Friend, however, has no reference to protection; it applies only to the terms for the admission of sugar the produce of slave labour, and of sugar the produce of free labour. The right hon. Baronet has stated that which I was sorry to hear, though I certainly expected it.

Notwithstanding that the present Ministers, while sitting on the Opposition side of the House, taunted their predecessors with their want of success in effecting commercial treaties with other powers, and notwithstanding that they then seemed to expect that when they themselves came into office they would be able to settle all these matters very easily, yet the right hon. Baronet has admitted that, in point of fact, his Government has entirely failed in obtaining such treaties. The right hon. Baronet went on to say, that his Government, having so failed in negotiating commercial treaties, had thought it right so to frame their Tariff as to accomplish those purposes which otherwise might have been obtained by mutual consent between this country and other Powers. But I am at a loss to know what part of the present Budget answers to this description. Is it the remission of the Excise duty on glass? or the taking off of the Import duty on cotton? or the abolition of the duty on auctions? I am at a loss to perceive where it is that the Government have by their new arrangements obtained these advantages in reference to commerce which commercial treaties would have given them. Yet I can understand, that by a different arrangement of the Sugar Duties, the Government might have obtained those advantages which the accomplishment of a treaty with Brazil would have given; but their present plan only deprived them of all these advantages. The right hon. Baronet throws over the commercial and financial parts of the question, by fairly admitting that, financially and commercially, the establishment of a distinction between slave-grown and free-grown sugar would not be an expedient measure; but he dwells on the encouragement which the admission of slave-grown sugar would give to the Slave Trade. In this respect the ground of the right hon. Baronet is much narrower than the ground taken by his right hon. Colleague the Chancellor of the Exchequer, and by the right hon. Gentleman the late President of the Board of Trade; for they take their stand on the general principle of humanity, and say that as we have undertaken to put down the Slave Trade, we ought not to admit produce the cultivation of which gives encouragement to slavery and the Slave Trade. The right hon. Baronet at the head of the Government narrows this ground, and stands solely on the engagements entered into by other countries with

this. He says, in answer to the argument of the right hon. Member for Edinburgh—though indeed I cannot say in answer, but, in reply to the unanswerable argument which the right hon. Member for Edinburgh used, founded on the importation of cotton, that there is this distinction—that the United States have entered into no engagements with this country which they have violated; that they have a right to breed their slaves, and employ them in the production of cotton, and we have no right to shape our legislation so as to punish them for doing that which they have not engaged to abstain from. The right hon. Baronet at the head of the Government, therefore, throws aside the principle of humanity, and stands solely on the rights given to this country by treaties with other parties. Brazil, he says, and Spain have contracted treaties with us, by which they bind themselves not to prosecute the Slave Trade; these treaties have been broken, and therefore as a punishment to them we are entitled to frame our Tariff so that slave-grown sugar should be excluded. Such is the argument of the right hon. Baronet at the head of the Government; but if that argument is good for sugar, it is also good for other things in the production of which slaves are employed. It is also good for coffee. Yet, what did the Government do last year with respect to coffee? They reduced the duty on Brazilian coffee, and therefore, so far as the cultivation of coffee gave employment to slaves, and encouraged their importation, the Government did last year give that encouragement to the Slave Trade. Is that the only instance? That was the measure of last year; but has nothing been done this year which is in violation of the principle and doctrine just laid down by the right hon. Baronet? All the duty is taken off the importation of copper ore. Where does it come from? From Cuba. How is it got from the bowels of the earth? By the labour of slaves. Therefore last year and this year the Government have done that very thing to avoid which they call on the House to sanction a measure which will withhold from the population of this country comforts and indulgences which otherwise might be afforded them. I must say that their course is inconsistent from beginning to end. I will not taunt them with that reproach to which the right hon. Baronet at the head of the Government alluded, though I must say that their language on all these subjects is the homage

which the supporters of monopoly pay to the principle of free trade. They are always ready to tell us that trade should be free; but when they come to measures they then say that they must support existing interests. Free trade is their doctrine, but protection is their practice. The right hon. Baronet has talked much of the exertions made by this country for the suppression of the Slave Trade, stating that there rested on it a moral obligation to put down, if possible, that traffic. I entirely agree with the right hon. Baronet; and if there is any one matter on which the people of this country, and the Parliament, and the successive Governments of this country have been more united, it is the question of the Slave Trade. By some, it might be contended that the efforts made by this country on this subject have not been entirely successful, but in some cases have aggravated the evils which they were intended to prevent. This I deny, and I believe that it will not be affirmed by any one at all conversant with the facts of the case; for the evil, instead of being increased, has been narrowed by the exertions which have been made. In proof of this assertion, I may refer to the statement just made by the right hon. Baronet, who mentioned that in 1840, 1841, and 1842, the number of slaves imported into Cuba had diminished to some amount, and that, at one period, the number imported into Brazil had also lessened. This he attributed to the exertions of General Valdez, and to the general activity of the Brazilian Government; but the right hon. Baronet must have forgotten that in 1839 we passed that Act which gave us the power to put down the abuse of the Portuguese flag. He must likewise have forgotten that the destruction of the barracoons on the coast of Africa did materially contribute to that result which he had noticed. Notwithstanding that some may entertain the opinion that our measures have not succeeded, I am glad to hear that the right hon. Baronet (and I concur with him in the statement) declares that he considers the Parliament of England bound in honour not to relax its endeavours until the Slave Trade should be entirely put down. But how can we reconcile the opinions and declarations of the right hon. Baronet on this subject to-night, by which this absurdity of a discriminating duty is endeavoured to be supported, with the arguments of the Government as contained in a paper recently laid before the House?

If the Government be right in increasing the naval force on the coast of Africa—if they are right in proposing larger naval estimates in order to increase the number of the slave cruisers, let them give those cruisers sufficient powers to act efficiently. What is the use of having them, if they are not invested with power to enable them to prevent the carrying on of the Slave Traffic? That necessary power is the Right of Search, which it has been the object of all other Governments in this country to obtain. In 1814, it was the great object of Lord Castlereagh, at the Congress of Vienna, to obtain this Right of Search from France, Austria, and Prussia. He failed. In 1815, the Duke of Wellington endeavoured to obtain it from France; but he was unable to effect his purpose, though he had claims on the French Government, which he had restored, that might have been considered irresistible. In 1818, after the conclusion of treaties with Spain and Portugal giving us the Right of Search, the French Government was again urged to concede, but refused again. It was applied to in 1823 and 1827. It was the object of former Administrations to obtain from France this concession, without which it was thought impossible effectually to carry out our objects in the suppression of the Slave Trade. The present Government came into power, being, through the successful efforts of their predecessors, in possession of this Right of Search conceded by France; and what did they do? They actually threw it away. In the despatch of Lord Aberdeen, he actually consents, on the part of the Government, to establish a mixed Commission for the purpose of devising some experimental measure, which should be tried for the purpose of seeing whether it could be substituted for the Right of Search; and he states, that the operation of the treaties respecting the Right of Search would necessarily be suspended until the success or failure of the experiment should be made manifest. So that while this experiment was being tried, the two Governments, by mutual consent, suspend the operation of the treaties; and I would ask any rational man, whether he thinks that the mutual consent of the two Governments will ever be obtained for its re-establishment? This is positively giving up the Right of Search; and if it is to be abandoned at all, in deference to the clamour of slaveholders and slavetraders, it ought not to have been surrendered in such a shabby way as this. The act should have

been one done openly. If the treaties were to be surrendered to the clamour of the slavetraders, you should have done it openly, handsomely, and at once. For rest assured that this indirect and shabby evasion arrives at the same object; and when Government are here proclaiming their desire to put down the Slave Trade, and about to call on Parliament for a vote for additional sailors to accomplish this purpose, they are at the same time about to divest their cruisers of one of the most essential means they possess of achieving the task they are sent abroad for the purpose of effecting. When it is said that the measure of my noble Friend would, if carried, have the effect of increasing the produce of Brazil and Cuba, let me remind the House that it has been virtually acknowledged that it would have no such effect in any greater degree than would have the measure introduced by Government themselves. What nonsense to tell us that if you take 20,000 tons of sugar from the market of the world, it makes the slightest difference whether these 20,000 tons consist of slave or of free-labour sugar. Whatever the production of the sugar, the void, when made, will impart an increased value to what remains. Whether you take slave-grown sugar or free-labour sugar, the result is the same—you increase the price of that left in the market of the world; and if that sugar be sold, you will give increased encouragement to its production, and thus indirectly, but certainly, aid and foster and assist in carrying on slavery and the Slave Trade. It is quite absurd to draw a distinction where there exists no difference; and therefore, whether you compare this measure with the declarations of the Government, or with the acts of the Government, as recorded in their own despatches, or compare it with the arguments used against the measure, there is not any ground upon which Government can really take a firm stand. And although they may beat us in a division in the Lobby, yet, when the debate comes to be read, (as, notwithstanding the opinion of the right hon. Gentleman, Mr. Gladstone, I think it will be read,) and when the eloquent speech of the right hon. Member for Edinburgh comes to be read, I think the decision of the public will be, that we are sacrificing the interests of consumers and of commerce—not to the real principles of humanity—not from any desire of enforcing treaties which we have other and far better methods of enforcing, if we but choose to adopt them;

but solely and simply to protect the West India interest—to protect that interest which, it has been proved, instead of having been benefited by protection, has been paralyzed by its effects, and upon which the truest benefit which could be conferred would be—not perhaps, at once, this year, but soon—giving proper time, upon which—I repeat, the greatest benefit which could be conferred would be, the absolute taking away of all protection, and leaving it to the results of that stimulus which fair, and free, and wholesome competition never fails to give to every description of labour to which it is applied.

Sir Charles Napier wished to know whether hon. Gentleman proposed to prevent Cuba introducing her slave-grown sugars into this country? The introduction of Brazilian sugar might be prevented, but Cuba sugar was easily transferred to America, and could thence be as easily transmitted to the English markets. During the late war with France, the produce of Martinique and Guadeloupe was conveyed to America in American bottoms, thereby escaping all risk of capture. No doubt the right hon. Gentleman at the head of the Government wished to put down the Slave Trade, but if he would do so effectually, he must line the coast of Cuba and Brazil, as well as those of Africa, with cruisers. America would give no real assistance; and as for France (as we understood the gallant Commodore) unless some arrangement could be come to as placing English officers in every French ship, and French officers in every English one, to examine vessels under their respective colours—an arrangement he did not think very likely to be come to—unless something like this was to be done, France would afford no more real aid than America.

The House divided on the Question, that the words proposed to be left out stand part of the Question:—Ayes 236; Noes 142: Majority 94.

List of the AYES.

Acland, Sir T. D.	Astell, W.
Acland, T. D.	Bagot, hon. W.
A'Court, Capt.	Bailey, J.
Adderley, C. B.	Bailey, J. jun.
Alford, Visct.	Baillie, Col.
Allix, J. P.	Baillie, H. J.
Antrobus, E.	Baird, W.
Arbuthnot, hon. H.	Baring, T.
Arkwright, G.	Barneby, J.
Ashley, Lord	Barrington, Visct.

Baskerville, T. B. M.
Beckett, W.
Benbow, J.
Bentinck, Lord G.
Berkeley, hon. G. F.
Blackburne, J. I.
Blackstone, W. S.
Blakemore, R.
Blandford, Marq. of
Bodkin, W. H.
Boldero, H. G.
Borthwick, P.
Botfield, B.
Bowles, Adm.
Bramston, T. W.
Brisco, M.
Broadley, H.
Brownrigg, J. S.
Bruce, Lord E.
Buller, Sir J. W.
Burroughes, H. N.
Cardwell, E.
Carew, W. H. P.
Carnegie, hon. Capt.
Castlereagh, Visct.
Chapman, E.
Charteris, hon. F.
Cholmondeley, hn. H.
Clayton, R. R.
Clerk, rt. hn. Sir G.
Clifton, J. T.
Clive, Visct.
Clive, hon. R. H.
Cochrane, A.
Cockburne, rt. hn. Sir G.
Colquhoun, J. C.
Colville, C. R.
Copland, Mr. Ald.
Corry, rt. hn. H.
Courtanay, Lord
Cripps, W.
Darby, G.
Denison, E. B.
Dick, Q.
Dickinson, F. H.
Disraeli, B.
Dodd, G.
Douglas, Sir H.
Douglas, J. D. S.
Dowdswell, W.
Drummond, H. H.
Dugdale, W. S.
Duncombe, hon. A.
Duncombe, hon. O.
Du Pre, C. G.
East, J. P.
Eastnor, Visct.
Eaton, R. J.
Egerton, W. T.
Egerton, Sir P.
Emlyn, Visct.
Entwisle, W.
Escott, B.
Farnham, E. B.
Fellowes, E.
Fitzmaurice, hon. W.
Fitzroy, hon. H.

Flower, Sir J.
Forbes, W.
Fox, S. L.
Fremantle, rt. hn. Sir T.
Fuller, A. E.
Gladstone, rt. hn. W. E.
Gladstone, Capt.
Godson, R.
Gordon, hon. Capt.
Gore, M.
Goring, C.
Goulburn, rt. hn. H.
Graham, rt. hn. Sir J.
Granby, Marquess of
Greenall, P.
Greene, T.
Grimstone, Visct.
Grogan, E.
Hale, R. B.
Halford, Sir H.
Hamilton, G. A.
Hamilton, W. J.
Hamilton, Lord C.
Hanmer, Sir J.
Harcourt, G. G.
Harris, hon. Capt.
Hayes, Sir E.
Heneage, G. H. W.
Henley, J. W.
Hepburn, Sir T. B.
Herbert, rt. hn. S.
Hervey, Lord A.
Hinde, J. H.
Hogg, J. W.
Holmes, hn. W. A. C.
Hope, hon. C.
Hope, G. W.
Hotham, Lord
Hughes, W. B.
Hussey, T.
Ingestrie, Visct.
Inglis, Sir R. H.
Irtton, S.
James, W.
James, Sir W. C.
Jermyn, Earl
Jocelyn, Visct.
Johnstone, Sir J.
Johnstone, H.
Joliffe, Sir W. G. H.
Jones, Capt.
Kemble, H.
Law, hon. C. E.
Lawson, A.
Legh, G. C.
Lennox, Lord A.
Leslie, C. P.
Lincoln, Earl of
Lockhart, W.
Long, W.
Lowther, Sir J. H.
Lowther, hon. Col.
Lyll, G.
Lygon, hon. G.
McGeachy, F. A.
Mackenzie, T.
Mackenzie, W. F.

Mackinnon, W. A.
Maclean, D.
Macnamara, Major
McNeill, D.
Mahon, Visct.
Mainwaring, T.
Manners, Lord C. S.
Manners, Lord J.
Marsham, Visct.
Martin, C. W.
Martin, T. B.
Marton, G.
Masterman, J.
Maxwell, hon. J. P.
Meynell, Capt.
Miles, P. W. S.
Milnes, R. M.
Morgan, O.
Mundy, E. M.
Neeld, J.
Neville, R.
Newdegate, C. N.
Newport, Visct.
Nicholl, rt. hn. J.
Norreys, Lord
Northland, Visct.
O'Brien, A. S.
Oswald, A.
Packer, C. W.
Palmer, R.
Palmer, G.
Patten, J. W.
Peel, rt. hn. Sir R.
Peel, J.
Plumtre, J. P.
Polhill, F.
Praed, W. T.
Pringle, A.
Pusey, P.
Reid, Sir J. R.
Repton, G. W. J.
Rolleston, Col.
Round, C. G.

Round, J.
Rushbrooke, Col.
Russell, C.
Russell, J. D. W.
Ryder, hon. G. D.
Sanderson, R.
Sandon, Visct.
Shirley, E. J.
Sibthorp, Col.
Smith, A.
Smith, rt. hn. T. B. C.
Smyth, hon. G.
Somerset, Lord G.
Somes, J.
Sotherton, T. H. S.
Spooner, R.
Stewart, J.
Stuart, H.
Sturt, H. C.
Sutton, hon. H. M.
Taylor, E.
Taylor, J. A.
Tennent, J. E.
Thesiger, Sir F.
Thornhill, G.
Tollemache, J.
Trench, Sir F. W.
Trevor, hon. G. R.
Trollope, Sir J.
Trotter, J.
Tyrell, Sir J. T.
Waddington, H. S.
Wellesley, Lord C.
Wodehouse, E.
Wood, Col.
Wood, Col. T.
Wortley, hon. J. S.
Wyndham, Col. C.
Wynn, rt. hn. C. W. W.

TELLERS.
Young, T.
Baring, H.

List of the NOES.

Aglionby, H. A.
Ainsworth, P.
Anson, hon. Col.
Arundel and Surrey,
Earl of
Bannerman, A.
Baring, rt. hn. F. T.
Barnard, E. G.
Bellew, R. M.
Berkeley, hon. Capt.
Berkeley, hon. H. F.
Blake, M. J.
Blewitt, R. J.
Bouverie, hon. E. P.
Bowring, Dr.
Bright, J.
Brotherton, J.
Browne, hon. W.
Buller, C.
Buller, E.
Busfield, W.

Carew, hon. R. S.
Cavendish, hon. C. C.
Cavendish, hon. G. H.
Childers, J. W.
Christie, W. D.
Clay, Sir W.
Clive, E. B.
Cobden, R.
Colborne, hon. W. R.
Colebrooke, Sir T. E.
Collett, J.
Cowper, hon. W. F.
Craig, W. G.
Crawford, W. S.
Curteis, H. B.
Dalmeny, Lord
Dalrymple, Capt.
Dashwood, G. H.
Dawson, hon. T. V.
Denison, W. J.
Denison, J. E.

Dennistoun, J.	Howard, hon. H.	Palmerston, Visct.	Tancred, H. W.
D'Eyncourt, rt. hn. C. T.	Howard, Sir R.	Parker, J.	Thornely, T.
Duff, J.	Howick, Visct.	Pechell, Capt.	Towneley, J.
Duke, Sir J.	Humphery, Ald.	Pendarves, E. W. W.	Traill, G.
Duncan, G.	Hutt, W.	Philips, G. R.	Trelawny, J. S.
Duncannon, Visct.	Labouchere, rt. hn. H.	Philips, M.	Vane, Lord H.
Duncombe, T.	Langston, J. H.	Plumridge, Capt.	Villiers, hon. C.
Dundas, F.	Lascelles, hon. W. S.	Protheroe, E.	Wakley, T.
Easthope, Sir J.	Leader, J. T.	Pulsford, R.	Walker, R.
Ebrington, Visct.	Lemon, Sir C.	Rawdon, Col.	Wall, C. B.
Ellis W.	Leveson, Lord	Rice, E. R.	Wallace, R.
Evans, W.	Listowel, Earl of	Ross, D. R.	Ward, H. G.
Ewart, W.	Macaulay, rt. hn. T. B.	Rumbold, C. E.	Wawn, J. T.
Ferguson, Sir R. A.	McTaggart, Sir J.	Russell, Lord J.	Wilde, Sir T.
Fitzwilliam, hn. G. W.	Marjoribanks, S.	Russell, Lord E.	Williams, W.
Forster, M.	Marshall, W.	Scrope, G. P.	Wilshire, W.
Gibson, T. M.	Marshall, H.	Shelburne, Earl of	Winnington, Sir T. E.
Gill, T.	Maule, rt. hn. Fox	Stanley, hon. W. O.	Wood, C.
Gisborne, T.	Mitcalfe, H.	Stansfield, W. R. C.	Wyse, T.
Gore, hon. R.	Mitchell, T. A.	Stanton, W. H.	Yorke, H. R.
Hastie, A.	Morris, D.	Stuart, W. V.	
Hawes, B.	Morrison, Gen.	Strickland, Sir G.	TELLERS.
Heron, Sir R.	Napier, Sir C.	Strutt, E.	Hill, M.
Hindley, C.	O'Connell, M. J.	Talbot, C. R. M.	Byng, G. S.
Hobhouse, rt. hn. Sir J.	Ord, W.		
Howard, hn. C. W. G.	Osborne, R.		
Howard, hn. J. K.	Paget, Col.		
Howard, hn. E. G. G.	Paget, Lord A.		

Order read and Committee deferred.
House adjourned at three quarters past twelve.

ERRATA.

Folio 342—In Sir R. Peel's Speech—

for "the result of that meeting would in all probability be known to some communication on their part by Her Majesty's Government," read the "result of that meeting would in all probability be known by some communication on their part to Her Majesty's Government."

— 440—for Ayes 22; Noes 93; Majority 61,
read Ayes 32; Noes 93; Majority 61.

— 445—for Mr. C. Hope, read Mr. G. W. Hope.

— 1023—for Hill, Lord J., read Hill, Lord, M.

The following *Private Bills* have been classed as *Public Bills* :

Fisher Lane (Greenwich) Improvement, 1^o. p. 382.

Labouring Classes Improvement Society, 1^o. p. 745.

Manchester Division Stipendiary Magistrate, 1^o p. 826; 2^o. p. 1042.

Thames Navigation Debt, 1^o. p. 1154.

INDEX

TO

HANSARD'S PARLIAMENTARY DEBATES,

VOLUME LXXVII.

BEING THE FIRST VOLUME OF SESSION 1845.

EXPLANATION OF THE ABBREVIATIONS.

1R. 2R. 3R. First, Second, or Third Reading.—*Amend.*, Amendment.—*Res.*, Resolution.—*Com.*, Committed.—*Re-Com.*, Re-committed.—*Rep.*, Reported.—*Adj.*, Adjourned.—*cl.*, Clause.—*add. cl.*, Additional Clause.—*neg.*, Negative.—*L.*,—Lords.—*c.*,—Commons.—*o. q.*, Original Question.—*o. m.*, Original Motion.—*p. q.*, Previous Question.—*r. p.*, Report Progress.—*A.*, Ayes.—*N.*, Noes.—*M.*, Majority.—*1st Div.*, *2nd Div.*, First or Second Division.

* * It has seemed better, instead of incumbering this Index with a reference to Private Bills, upon which debate seldom occurs, to collect them in a table at the end, in form similar to the Paper issued by the House of Commons. The date will be a sufficient reference to the volume. The progress of Bills will not be carried *beyond* the contents of each volume; but it is not intended to omit from the table appended to each the stage that Bills may have passed through recorded in preceding volumes.

 The * indicates that no Debate took place upon that Reading.

ABERDEEN, EARL OF

Address in Answer to the Speech, 38

ACLAND, Sir T. D. (*Devonshire, N.*)

Africans, Treatment of Liberated, 1200

Address in Answer to the Speech, l. 5; c. 45;
Report, 154; Reply, 164; l. 223

ADVOCATE, The Lord (D. McNeil, Esq.) (*Argyllshire*)

Court of Session (Scotland,) Leave, 1168

Africans, Treatment of Liberated, c. Correspondence moved for, 1173

AGLIONBY, Mr. H. (*Cockermouth*)

Africans, Treatment of Liberated, 1193

Companies Clauses Consolidation Com. 445, 446,
928, 929, cl. 10, Amend. 1155, cl. 11, Amend.
1159, 1158

Financial Statement.—The Budget, 506

Agricultural Protection, see *Corn Laws*

ASHLEY, Viscount (*Dorsetshire*)

Children, Employment of in Calico Print Works,
Leave, 638

Bail in Error, l. 1R.* 825

Bandieras, The, c. 827

BANKES, Mr. G. (*Dorsetshire*)

Corn Laws—Agricultural Protection, 190

Financial Statement—The Budget, 598

Railways — Repeal of Act, Leave, 277, 285;
—Board of Trade Reports, 542

Banking System (Scotland), c. 165

Bankruptcy in London, Commissioners of, l. 242,
1153

BARING, Hon. W. B. (*Thetford*)

Ellenborough, Lord, Correspondence concerning,
238

Idolatry in India, 238

BARING, Mr. T. (*Huntingdon*)

Address in Answer to the Speech, 52

BARING, Right Hon. F. T. (*Portsmouth*)

Supply—Exchequer Bills, 346

BARNEBY, Mr. J. (*Worcestershire, E.*)

Bastardy, 827

BARRON, Sir W. H. (*Waterford City*)

Income Tax, The, 781, 815

Bastardy, c. 827, 1R.* 1154

Bath and Wells, Bishopric of, c. 1233

BEAUMONT, Lord

Railways—Board of Trade Reports, 825

Roman Catholic Penal Acts, 526

Taxation, Local, 1025

BELL, Mr. M. (*Northumberland, S.*)

Financial Statement—The Budget, 500

BELLEW, Mr. R. M. (*Louth*)

Address in Answer to the Speech, 99

Income Tax, The, 778

Lucan, Earl of, Appointment of, 1221

BERNAL, Mr. R. (*Weymouth*)

Opening Letters—The Post Office, Com. moved for, 871

Railways—Board of Trade Reports, 538

BERNARD, Viscount (*Bandon Bridge*)

Income Tax, The, 774

BLACKSTONE, Mr. W. J. (*Wallingford*)

Income Tax, The, 808

BLEWITT, Mr. R. J. (*Monmouth*)

Opening Letters—The Post Office, Com. moved for, 956

BORTHWICK, Mr. P. (*Evesham*)

King Consort, Title of, 529

Opening Letters—The Post Office, Com. moved for, 878

BOUVERIE, Hon. E. P. (*Kilmarnock, &c.*)

Brazil, Trade with, 342

BOWLES, Rear Admiral, W. (*Launceston*)

Navy, State of the, Com. moved for, 423

BOWRING, Dr. J. (*Bolton*)

Financial Statement—The Budget, 502

Hong-Kong, 1203, 1210

Turkey, Commercial Treaty with, 454

Brazil, Trade with, c. 342

BRIGHT, Mr. J. (*Durham City*)

Corn Laws—Agricultural Protection, 192

Settlement, Law of, Leave, 325

Smoke Prohibition, Leave, 332

Sugar Duties, 1140

British Museum, see *Portland Vase*

BROTHERTON, Mr. J. (*Salford*)

Corn Laws—Agricultural Protection, 207

Greenwich Hospital, Commissioners of—Railways, Leave, 444

Railways—Repeal of Act, Leave, 296

Settlement, Law of, Leave, 328

BROUGHAM, Lord

Address in Answer to the Speech, 26, 42, 43

Bankruptcy in London, Commissioners of, 242, 243, 1154

Railways—Report of the Board of Trade, 368, 376, 511, 513, 515, 516, 518, 519, 524

BUCCLEUCH, Duke of
Health of Towns, 452

BUCK, Mr. L. W. (*Devonshire, N.*)

Railways—Private Committees—Board of Trade, 150

Budget, The, see *Financial Statement*

Buenos Ayres, see *Monte Video*

BULLER, Mr. C. (*Liskeard*)

Financial Statement—The Budget, 508, 632

Income Tax, The, 779

Opening Letters—The Post Office, Com. moved for, 881

Business of the House, see *Public Business*

Calabria, Affair in, c. 746

CAMDEN, Marquess

Address in Answer to the Speech, 5

CAMPBELL, Lord

Address in Answer to the Speech, 39, 43

Bail in Error—Challenge of Array, 224, 227

Bankruptcy in London, Commissioners of, 244, 1153

Deodands, Abolition of, 1R. 1027, 1031, 1034

Health of Towns, 452

Newspapers Posted, Loss of, 927

Process, Service of, 1R. 347, 348

Railways, Board of Trade Reports, 521, 1039

Canada, Elections in, c. 339

CARDWELL, Mr. E. (*Clitheroe*)

Sugar Duties, 1136

CASTLEREAGH, Viscount (*Down Co.*)

Income Tax, The, 820

Challenge of Array, see *Bail in Error*

CHANCELLOR, The Lord (The Right Hon. Lord Lyndhurst)

Address in Answer to the Speech, 41; Reply, 223

Bail in Error—Challenge of Array, 226

Bankruptcy in London, Commissioners of, 242, 243, 1154

Deodands, Abolition of, 1R. 1031, 1033, 1034

Process, Service of, 1R. 348

Railways—Report of the Board of Trade, 513

Roman Catholic Penal Acts, 527

Scinde—The Army in, Acknowledgment of Vote of Thanks, 44

CHANCELLOR OF THE EXCHEQUER (The Right Hon. H. Goulburn) (*Cambridge University*)

Address in Answer to the Speech, 108

Financial Statement—The Budget, 573

Income Tax, The, 786

Mails Exemption from Toll, Limitation of, Leave, 336

Sessional Orders—Interference of Peers, 135

Sugar Duties, 932;—Drawbacks, 1042;—Mr. Gibson's Amend. 1148; Lord J. Russell's Amend. 1247, 1256

Supply—Exchequer Bills, 345, 346

Window Duties, Returns moved for, 824

CHARTERIS, Hon. F. (*Gloucestershire, E.*)
Address in Answer to the Speech, 45

Children, Employment of, in Calico Print Works, c. Leave, 638

CHRISTIE, Mr. W. D. (*Weymouth*)
Sessional Orders—Admission of Strangers, Amend. 137

CHRISTOPHER, Mr. R. A. (*Lincolnshire, parts of Lindsey*)
Portland Vase, Destruction of the, 341

CLAY, Sir W. (*Tower Hamlets*)
Sugar Duties, 932

CLEMENTS, Viscount (*Leitrim*)
Financial Statement—The Budget, 501

CLERK, Right Hon. Sir G. (*Stamford*)
Railways—Board of Trade Reports, 531
Sugar Duties, 1078

Clerks of Petty and Quarter Sessions, see Justices' Clerks

Coals, Tax on—*Thames Embankment*, c. 164 ;—*Export Duties on*, 240

COBDEN, Mr. R. (*Stockport*)
Children, Employment of, in Calico Print Works, Leave, 662
Corn Laws—Agricultural Protection, 185
Sugar Duties, 1127, 1149

COCHRANE, Mr. A. D. R. W. B. (*Bridport*)
Opening Letters—The Post Office, Com. moved for, 948

COCKBURN, Right Hon. Sir G. (*Ripon*)
Navy, State of the, Com. moved for, 409, 425, 439

COLBORNE, Hon. W. N. R. (*Richmond*)
Opening Letters—The Post Office, Com. moved for, 934

COLLETT, Mr. J. (*Athlone*)
Bath and Wells, Bishopric of, 1233
Financial Statement—The Budget, 488, 498, 632
Greenwich Hospital, Commissioners of—Railway, Leave, 444
Opening Letters—The Post Office, Com. moved for, Amend. Adj. 920, 921, 932

COLQUHOUN, Mr. J. C. (*Newcastle, Staff.*)
Opening Letters—The Post Office, Com. moved for, 945

Commercial Treaties, see *Brazil—Turkey*

Committees, Appointment of Chairman of, l. 44

Committees, Private—Railways, c. 138

Companies Clauses Consolidation, c. Leave, 170 ; 1R.* 185 ; 2R.* 237 ; Com. 746, 928 ; cl. 15, 929 ; cl. 20, 930 ; cl. 111, 931 ; cl. 10, Amend. (Mr. Aglionby) 1155, [o. q. A. 17, N. 23, M. 6] 1156 ; cl. 11, *ib.* Amend. (Mr. Aglionby) 1158

Companies Clauses Consolidation (Scotland), see Companies Clauses Consolidation

Compensation to Families of Persons Killed by Accident, l. 1R.* 637

CONOLLY, Colonel E. M. (*Donegal, Co.*)
Financial Statement—The Budget, 596
Income Tax, The, 756, 785

Consolidation Bills, see Companies—Lands—Railways

Constables (Scotland), c. 1R.* 382 ; 2R.* 528 ; 3R.* 826

Constabulary Appointments (Ireland), l. 453

Copyright, see International Copyright

Corn Laws—Agricultural Protection, c. 185

CORRY, Right Hon. H. T. L. (*Tyrone*)
Navy, State of the, Com. moved for, 427

County Courts, c. 152

Court of Session (Scotland), c. Leave, 1163 ; Motion withdrawn, 1173

CRAWFORD, Mr. W. S. (*Rochdale*)
Address in Answer to the Speech, Report, 156
Gilbert Unions, Com. moved for, 216
Income Tax, The, 813
Supply, 215
Workhouses, Employment in, 313

CURTEIS, Mr. H. B. (*Rye*)
Financial Statement—The Budget, 504
Income Tax, The, 807

DALHOUSIE, Earl of
Railways—Goods and Passengers Tariff, 351 ;—
Report of the Board of Trade, *ib.*, 370, 372, 376, 382, 511, 515, 516, 518, 521, 825, 1034, 1040

DALMENY, Lord, (*Inverkeithing, &c.*)
Poor Law (Scotland), 244, 245

DARBY, Mr. G. (*Sussex, E.*)
Income Tax, The, 814
Railways—Repeal of Act, Leave, 296

Debtors, Absent, see Process, Serving of

DENISON, Mr. E. B. (*Yorkshire, W. R.*)
Settlement, Law of, Leave, 330

Deodands, Abolition of, l. 1R. 1027

DISRAELI, Mr. B. (*Shrewsbury*)
Opening Letters—The Post Office, Com. moved for, 902, 1004

DIVETT, Mr. F. (*Exeter*)
Railways—Board of Trade, 184

DIVISIONS, List of,
Financial Statement—The Budget, Amend. (Mr. Roebuck), [o. q. A. 263 N. 55 M. 206] 634
Income Tax, The, (Mr. Roebuck's Motion), [A. 33 N. 275 M. 242] 821 ; [o. q. A. 228 N. 30 M. 198] 823

DIVISIONS, List of—*continued.*

- Navy, State of the, Com. moved for, [A. 32 N. 93 M. 61] 440
 Opening Letters—The Post Office, Com. moved for, Amend. Adj. (Mr. J. Collett), [A. 29 N. 269 M. 240] 921; Amend. (Viscount Howick), [A. 145 N. 240 M. 95] 1022
 Sugar Duties, Amend. (Mr. M. Gibson), [o. q. A. 211 N. 84 M. 127] 1151; Amend. (Lord J. Russell), [o. q. A. 236 N. 142 M. 94] 1343
 Window Duties, Returns moved for, [A. 5 N. 31 M. 26] 824

Dorchester Railway, The—The Earl of Malmesbury, c. 337

Drawbacks, see Sugar Duties

DUNCAN, Viscount (*Bath*)

Financial Statement—The Budget, 504

DUNCOMBE, Mr. T. S. (*Finsbury*)

Bandieras, The, 829, 831

Opening Letters—The Post Office, Com. moved for, 668, 691, 838, 851, 890, 922, 923, 1002, 1017

Post Office Committee Report, 210, 211

Sessional Orders—Interference of Peers, 135

EBBRINGTON, Viscount (*Plymouth*)

Mail Exemptions from Toll, Limitation of, Leave, 334

Rubric, Revision of the, 238

Settlement, Law of, Leave, 329

Workhouses, Employment in, 308

Ecclesiastical Courts, c. 169

EGERTON, Mr. W. T. (*Cheshire, N.*)

Companies Clauses Consolidation, Com. cl. 11, 1158

EGERTON, Sir P. DE M. G. (*Cheshire, S.*)

Grave Yards in the Metropolis, 1234

ELLENBOROUGH, Earl of,

Newspapers Posted, Loss of, 927

Ellenborough, Lord, Correspondence concerning, c. 237

Emigration—Dr. Rolph, c. 444

ENTWISLE, Mr. W. (*Lancashire, S.*)

Companies Clauses Consolidation, Com. cl. 11, 1160

Railways—Board of Trade, 184;—Standing Orders, 220

ESCOTT, Mr. B. (*Winchester*)

Clerks of Petty and Quarter Sessions, Leave, 834
 Opening Letters—The Post Office, Com. moved for, 736

Railways—Board of Trade Reports, 533

EWART, Mr. W. (*Dumfries*)

Monte Video and Buenos Ayres, 169

Railways—Private Committees—Board of Trade, 139;—Repeal of Act, Leave, 255

Sugar Duties, 1065

EXCHEQUER, CHANCELLOR OF THE, *see* CHANCELLOR OF THE EXCHEQUER

Exchequer Bills, see Supply

Export Duties, see Coals

FERRAND, Mr. W. B. (*Knaresborough*)

Clerks of Petty and Quarter Sessions, Leave, 834

Opening Letters—The Post Office, Com. moved for, 936

Smoke Prohibition, Leave, 832

Finance—Import Duties, l. 228

Financial Statement, c. 211, 344;—The Budget, 455, 542; Amend. (Mr. Roebuck) 558, [o. q. A. 263, N. 55, M. 208] 634

FITZWILLIAM, Earl

Railways—Board of Trade Reports, 1034, 1035

Taxation, Local, 1027

FORSTER, Mr. M. (*Berwick on Tweed*)

Greenwich Hospital, Commissioners of—Railway, Leave, 443, 444

Thames Embankment—Tax on Coals, 164

FREMANTLE, Right Hon. Sir T. F. (*Buckingham*)

Lucan, Earl of, Appointment of, 1224

FRENCH, Mr. F. (*Roscommon*)

Poor Law Unions (Ireland), 208

GIBSON, Mr. T. M. (*Manchester*)

Brazil, Trade with, 343

Corn Laws—Agricultural Protection, 188

Financial Statement—The Budget, 606

Sugar Duties, 528; Amend. 1043

Gilbert Unions, c. Com. moved for, 215

GILL, Mr. T. (*Plymouth*)

Companies Clauses Consolidation, Com. cl. 11, 1158, 1159

GISBORNE, Mr. T. (*Nottingham*)

Railways—Repeal of Act, Leave, 267

GLADSTONE, Right Hon. W. E. (*Newark-upon-Trent*)

Address in Answer to the Speech, 77

Companies Clauses Consolidation, Com. cl. 15, 929; cl. 111, 931

Railways—Board of Trade, 183, 180; Reports, 535, 539

Sugar Duties, 1118, 1238, 1268, 1302, 1303

GLENLYON, Lord

Address in Answer to the Speech, 13

GOULBURN, Right Hon. H., *see* CHANCELLOR OF THE EXCHEQUER

GRAHAM, Right Hon. Sir J. R. G. (*Dorchester*)

Address in Answer to the Speech, 108

Bastardy, 827

Children, Employment of, in Calico Print Works, Leave, 656, 663

Clerks of Petty and Quarter Sessions, Leave, 834

County Courts, 152

Ecclesiastical Courts, 169

GRAHAM, Right Hon. Sir J.—*continued.*

Grave Yards in the Metropolis, 1234
Harbours of Refuge, 153
Medical Officers in Poor Law Unions, 302, 303
Opening Letters—The Post Office, Com. moved for, 697, 716, 738, 940
Physic and Surgery, Leave, 1211, 1221
Physicians and Surgery, Colleges of, Leave, 1221
Poor Law Commissioners, Returns moved for, 219
Poor Law Unions (Ireland), 209
Poor Law (Scotland), 245
Railways—Repeal of Act, Leave, 291; Explanation, 746
Roman Catholic Penal Acts Relief, Leave, 833
Settlement, Law of, 152; Leave, 313, 324, 331
Sugar Duties, 1303
Weights and Measures (Scotland), 211
Workhouses, Employment in, 306, 827

GRANBY, Marquess of (*Stamford*)
Financial Statement—The Budget, 631

Grave Yards in the Metropolis, c. 1234

GREENE, Mr. T. (*Lancaster*)
Income Tax, The, 779, 781

Greenwich Hospital Railway, c. Leave 441; 1R.* 528

GREY, Right Hon. Sir G. (*Devonport*)
Ecclesiastical Courts, 169
Financial Statement—The Budget, 569
Opening Letters—The Post Office, Com. moved for, 1007
Railways—Board of Trade, 173
Settlement, Law of, 152
Tahiti, 166

HAMILTON, Lord C. (*Tyrone*)
Opening Letters—The Post Office, Com. moved for, 952

HANMER, Sir J. (*Kingston on Hull*)
Opening Letters—The Post Office, Com. moved for, 719, 1006

Harbours of Refuge, c. 153;—see *Holyhead*

HARDWICKE, Earl of
Address in Answer to the Speech, 31

HARRIS, Hon. Captain E. A. J. (*Christchurch*)
Malmesbury, Earl of—The Dorchester Railway, 337
Navy, State of the, Com. moved for, 431

HASTIE, Mr. A. (*Paisley*)
Sugar Duties, 528

HATHERTON, Lord
Railways—Goods and Passengers Tariff, 348

HAWES, Mr. B. (*Lambeth*)
Companies Clauses Consolidation, Com. 447; *cl.* 111, 931; *cl.* 11, 1160, 1161, 1162
Sugar Duties, 1085

HAYTER, Mr. W. G. (*Wells*)
Companies Clauses Consolidation, Com. *cl.* 15, 929; *cl.* 11, 1158

Health of Towns, *l.* 449;—see *Grave Yards*

HEATHCOTE, Mr. G. J. (*Rutlandshire*)
Mails Exemption from Toll, Limitation of, Leave, 336

HENLEY, Mr. J. W. (*Oxfordshire*)
Companies Clauses Consolidation, Com. *cl.* 15, 930; *cl.* 111, 931; *cl.* 10, 1156
Settlement, Law of, Leave, 328
Workhouses, Employment in, 312

HERBERT, Right Hon. S. (*Wiltshire. S.*)
Opening Letters—The Post Office, Com. moved for, 886

HINDE, Mr. J. H. (*Newcastle on Tyne*)
Financial Statement—The Budget, 501
Greenwich Hospital, Commissioners of—Railway, Leave, 442
Railways—Standing Orders, 221

HOBHOUSE, Right Hon. Sir J. C. (*Nottingham*)
India, Communication with, 826

HODGSON, Mr. R. (*Berwick on Tweed*)
Greenwich Hospital, Commissioners of—Railway, Leave, 444
Railways—Board of Trade, 173

Holyhead Harbour, c. 1163

Hong-Kong, c. 1203

HOPE, Hon. C. (*Linlithgowshire*)
Greenwich Hospital, Commissioners of—Railway, Leave, 441, 444

HOPE, Mr. G. W. (*Southampton*)
Africans, Treatment of Liberated, 1186, 1195
Bandieras, The, 831
Canada—Elections, 340
Emigration—Dr. Rolph, 445
Hong-Kong, 1208

Howard, v. The Sergeant at Arms—Privilege, c. 382

HOWICK, Viscount (*Sunderland*)
Address in Answer to the Speech, 129
Financial Statement—The Budget, 498, 622
Opening Letters—The Post Office, Com. moved for, Amend. 893
Railways—Private Committees—Board of Trade, 140; Amend. 149, 150, 152, 171;—Repeal of Act, Leave, 257; Report, 530, 539
Sugar Duties, 1103, 1120

HUME, Mr. J. (*Montrose*)
Address in Answer to the Speech, Report, 154
Canada—Elections, 341
Children, Employment of, in Calico Print Works, Leave, 660
Coals, Export Duties on, 240
County Courts, 152
Ellenborough, Lord, Correspondence concerning, 237, 238
Financial Statement—The Budget, 500
Greenwich Hospital, Commissioners of—Railway, 442
Income Tax, The, 793, 793
Navy, State of the, Com. moved for, 406

HUME, Mr. J.—*continued.*

Opening Letters—The Post Office, Com. moved for, 716

Railways—Private Committees—Board of Trade, 150

Sessional Orders—Interference of Peers, 137
Supply, 212, 213, 215;—Exchequer Bills, 345
Window Duties, Returns moved for, 824

HUTT, Mr. W. (*Gateshead*)

Africans, Treatment of Liberated, 1197

Idolatry in India, c. 238

Import Duties, see *Finance*

Income Tax, *The*, c. 211; (Mr Roebuck's Motion) 751, [A. 33, N. 275, M. 242] 821; [o. q. A. 228, N. 30, M. 198] 823

India, *Communication with*, c. 826;—see *Ellenborough*, *Lord*—*Idolatry*—*Scinde*

INGESTRE, Viscount (*Staffordshire*, S.)

Lucan, Earl of, Appointment of, 1228

INGLIS, Sir R. H. (*Oxford University*)

Address in Answer to the Speech, 123

Africans, Treatment of Liberated, 1173, 1203

Financial Statement—The Budget, 504

Idolatry in India, 238

Opening Letters—The Post Office, Com. moved for, 866

Roman Catholic Penal Acts Relief, Leave, 833

Sessional Orders—Admission of Strangers, 138

Interments in Towns, see *Grave Yards*

International Copyright, c. 1042

Ireland, see *Constabulary Appointments*—*Financial Statement*—*Income Tax*—*Lucan*, *Earl of*—*Poor Law Unions*—*Process*, *Service of*

JAMES, Mr. W. (*Cumberland*, E.)

Sugar Duties, 1069

JERVIS, Mr. J. (*Chester*)

Companies Clauses Consolidation, Com. 448

Opening Letters—The Post Office, Com. moved for, 1014

Justices Clerks and Clerks of the Peace, c. Leave, 834; 1R.* 1233

King Consort, *Title of*, c. 529

LABOUCHERE, Right Hon. H. (*Taunton*)

Children, Employment of, in Calico Print Works, Leave, 666

Financial Statement—The Budget, 483

Railways—Board of Trade Reports, 533, 541

Sugar Duties, 529, 1125, 1261

Labouring Classes Improvement Society, c. 1R.* 745

Lands Clauses Consolidation, see *Companies Clauses Consolidation*

Lands Clauses Consolidation (*Scotland*), see *Companies Clauses Consolidation*

LANSDOWNE, Marquess of

Address in Answer to the Speech, 33

Railways—Reports of the Board of Trade, 377, 380, 381

LAYARD, Captain B. N. (*Carlou Bo.*)

Opening Letters—The Post Office, Com. moved for, 862

LEFEVRE, Right Hon. C. S. see *SPEAKER*, *THE*

LEMON, Sir C. (*Cornwall*, W.)

Workhouses, Employment in, 308, 311

LIDDELL, Hon. H. T. (*Durham*)

Financial Statement—The Budget, 498

LINCOLN, Earl of, (*Nottinghamshire*, S.)

Banking System, Leave, 832

Thames Embankment—Tax on Coals, 165

LONSDALE, Earl of

Newspapers Posted, Loss of, 927

Lucan, *Earl of*, *Appointment of*, c. 1221

MACAULAY, Right Hon. T. B. (*Edinburgh*)

Banking System (*Scotland*), 165

Opening Letters—The Post Office, Com. moved for, 840

Sugar Duties, 1265

MACKINNON, Mr. W. A. (*Lymington*)

Smoke Prohibition, Leave, 831

McNEIL, Mr. D. see *ADVOCATE*, *THE LORD*

MAHON, Viscount, (*Hertford*)

International Copyright, 1042

Mail Exemptions from Toll, *Limitation of*, c. Leave, 334; Motion neg. 337

MALMESBURY, Earl of

Address in Answer to the Speech, 33

Malmesbury, *Earl of*—*The Dorchester Railway*, c. 337

Manchester Division Stipendiary Magistrate, c. 1R.* 826; 2R.* 1041

MANGLES, Mr. R. D. (*Guildford*)

Africans, Treatment of Liberated, 1200

MANNERS, Lord J. (*Newark-upon-Trent*)

Corn Laws—Agricultural Protection, 205

Opening Letters—The Post Office, Com. moved for, 859

Roman Catholic Penal Acts Relief, Leave, 834

MAULE, Right Hon. F. (*Perth*)

Companies Clauses Consolidation, Com. cl. 111, 931; cl. 11, 1160, 1162

Court of Session (*Scotland*), Leave, 1172

Medical Officers in Poor Law Unions, c. 298

Medical Profession, see *Physic*—*Physicians*

MILES, Mr. P. W. S. (*Bristol*)

Sugar Duties, 1099, 1104

MILES, Mr. W. (*Somersetshire, E.*)

Address in Answer to the Speech, 76

Corn Laws—Agricultural Protection, 187, 188

Financial Statement—The Budget, 608

MILNES, Mr. R. M. (*Pontefract*)

Bandieras, The, 830

Calabria, Affair in, 746

Opening Letters—The Post Office, Com. moved for, 834

Railways—Board of Trade Reports, 533

Smoke Prohibition, Leave, 832

Monte Video and Buenos Ayres, c. 169

MONTEAGLE, Lord

Deodands, Abolition of, 1R. 1034

Finance—Import Duties, 228

Railways—Board of Trade Reports, 825

Sugar Duties, 924, 926

MONTROSE, Duke of

Address in Answer to the Speech, 24

MUNTZ, Mr. G. F. (*Birmingham*)

Income Tax, The, 781

Opening Letters—The Post Office, Com. moved for, 1016

Smoke Prohibition, Leave, 832

MURPHY, Mr. Sergeant F. S. (*Cork City*)

Income Tax, The, 803

Opening Letters—The Post Office, Com. moved for, 721

NAPIER, Sir C. (*Marylebone*)

Address in Answer to the Speech, 94

Bandieras, The, 827, 830

Navy Estimates, The, 510, 511

Navy, State of the, Com. moved for, 383, 420, 437, 439

Sugar Duties, 1343

Navy Estimates, The, c. 510

Navy State of the, c. Com. moved for, 383, [A. 32, N. 93, M. 61] 440

NEWDEGATE, Mr. C. N. (*Warrickshire, N.*)

Income Tax, The, 779, 815

Newspapers Posted, Loss of, l. 927

NORMANBY, Marquess of

Address in Answer to the Speech, 15

Constabulary Appointments (Ireland), 453

Health of Towns, 449

Public Business, 223, 224, 241

O'BRIEN, Mr. A. S. (*Northamptonshire, N.*)

Corn Laws—Agricultural Protection, 199

Financial Statement—The Budget, 510

O'CONNELL, Mr. M. J. (*Kerry*)

Lucan, Earl of, Appointment of, 1227

Opening Letters—The Post Office, c. Com. moved for (Mr. T. Duncombe) 668; Adj. Debate, 334; Amend. (Viscount Howick) 901; Amend. Adj. (Mr. J. Collett) 920, [A. 29, N. 269, M. 240] 921, 932, [A. 145, N. 240, M. 95] 1022;—see *Calabria, Affair in*—*Bandieras, The*

Outlawries, c. 1R.* 45

PALMER, Mr. R. (*Berkshire*)

Financial Statement—The Budget, 604

PALMERSTON, Viscount (*Tiverton*)

Address in Answer to the Speech, 112

Income Tax, The, 811

Sugar Duties, 1337

Parliament, New Houses of, l. 927

Parochial Settlement, see Settlement

PECHELL, Captain G. R. (*Brighton*)

Navy, State of the, Com. moved for, 424

Window Duties, Returns moved for, 824

Workhouses, Employment in, 304, 308, 827

PEEL, Right Hon. Sir R. (*Tamworth*)

Address in Answer to the Speech, 82, 98, 107,

118, 119; Report, 156

Bandieras, The, 828, 830, 831

Banking System (Scotland), 165

Bath and Wells, Bishopric of, 1234

Brazil, Trade with, 342

Calabria, Affair in, 747

Corn Laws—Agricultural Protection, 203

Financial Statement, 211, 344, 345;—The Budget, 455, 497, 498, 502, 507, 613, 637

Holyhead Harbour, 1163

Income Tax, The, 211, 797

International Copyright, 1043

King Consort, Title of, 530

Monte Video and Buenos Ayres, 169

Navy Estimates, The, 510

Opening Letters—The Post Office, Com. moved for, 725, 909, 920, 921, 995, 1006

Portland Vase, Destruction of the, 342

Private Bill Business, 208

Railways—Private Committees—Board of Trade, 139, 149, 150, 151, 173;—Repeal of Act, Leave, 271, 279, 285; Reports, 539

Sperm Oil, 751

Sugar Duties, 528, 529, 1322

Supply, 212, 214

Tahiti, 167

Turkey, Commercial Treaty with, 454, 455

Peers, Interference of—Sessional Orders, c. 134

PHILIPS, Mr. M. (*Manchester*)

Children, Employment of, in Calico Print Works, Leave, 666

Physic and Surgery, c. Leave, 1211; 1R.* 1221

Physicians and Surgeons, Colleges of, c. Leave, 1221; 1R.* *ib.*

PLUMPTRE, Mr. J. E. (*Kent, E.*)

Address in Answer to the Speech, 96

Africans, Treatment of Liberated, 1203

Poor Law Commissioners, c. Returns moved for (Colonel Sibthorp) 218;—see *Bastardy*—*Gilbert Unions—Medical Officers—Settlement* *Parochial—Taxation—Workhouses*

Poor Law Unions (Ireland), c. 208

Poor Law (Scotland), c. 244

Portland Vase, Destruction of the, c. 341

Post Office Committee Report, c. 210;—see
Newspapers—Opening Letters

Pritchard, Mr., see *Address in Answer to the Speech*

Private Bill Business, c. 208; l. 240;—see *Income Tax—Railways*

Private Bills, see *Tabular Form at end of Index*

Privilege—Howard v. The Sergeant at Arms, c. 382

Process, Service of, l. 1R., 347

Process, Service of, (*Ireland*), l. 1R, 347

Property Tax, c. 1R.* 928

Public Business, l. 223, 240

QUEEN'S SPEECH, the—*Meeting of Parliament*, l. 1

Railways, c. 133;—*Private Committees—Board of Trade—Standing Orders*, 138; Amend. (*Viscount Howick*), 149, 170; Adj. Debate 220;—*Repeal of Act* (*Mr. Wallace*) Leave, 246; Motion withdrawn, 298, l. *Goods and Passengers Tariff*, 348;—*Report of the Board of Trade*, 351, 511; c. 530; l. 825, 1034;—see *Companies Clauses Consolidation—Dorchester—Greenwich Hospital—Tabular Form at end of Index*

Railway Clauses Consolidation, see *Companies Clauses Consolidation*

Railway Clauses Consolidation (*Scotland*), see *Companies Clauses Consolidation*

RAWDON, Lieut. Colonel J. D. (Armagh City)
Income Tax, The, 806

RICARDO, Mr. J. L. (Stoke on Trent)
Brazil, Trade with, 343
Sugar Duties, 1072, 1078

RICE, Mr. E. R. (Dover)
Harbours of Refuge, 153

RICHMOND, Duke of
Address in Answer to the Speech, 23

ROEBUCK, Mr. J. A. (Bath)
Canada—Elections, 339
Financial Statement—The Budget, 502, 507; Amend., 558, 579, 632, 637
Income Tax, The, 751, 781, 788, 814, 815, 816
Railways—Board of Trade Reports, 531
Settlement, Law of, Leave, 333
Workhouses, Employment in, 310

Rolph Dr.—Emigration, c. 444

Roman Catholic Penal Acts Relief, l. 526; c. Leave, 833; 1R.* 834

ROSS, Mr. D. R. (Belfast)
Income Tax, The, 772
Lucan, Earl of, Appointment of, 1232

ROUS, Hon. Captain H. J. (Westminster)
Navy, State of the, Com. moved for, 414

Rubric, Revision of the, c. 238

RUSSELL, Right Hon. Lord J. (London)
Address in Answer to the Speech, 62, 76, 94
Bandieras, The, 829, 830
Financial Statement, 344, 345;—*The Budget*, 497, 507, 542, 628, 637
Opening Letters—The Post Office, Com. moved for, 922, 985
Privilege—Howard v. The Sergeant at Arms, 383
Roman Catholic Penal Acts Relief, Leave, 833
Sugar Duties, Amend. 1234, 1255, 1256, 1261, 1324
Supply, 214
Tahiti, 169

SANDON, Viscount (Liverpool)
Address in Answer to the Speech, 126
Africans, Treatment of Liberated, 1196
Opening Letters—The Post Office, Com. moved for, 712, 910
Post Office Committee Report, 210
Sugar Duties, 1150

Scinde, The Army in, l. *Acknowledgment of Vote of Thanks*, 44; c. 45

Scotland, see *Banking System—Companies Clauses—Constables—Court of Session—Land Clauses—Poor Law—Railway Clauses—Summons, Service of—Weights and Measures*

Select Vestries, l. 1R.* 1

Service of Process, see *Process*

Service of Summons, see *Summons*

Sessional Orders—Interference of Peers, c. 134;—*Admission of Strangers to the House*, Amend. (*Mr. Christie*), 137

Settlement, Parochial, c. 152; Leave, 313; 1R.* 528

SHAFTESBURY, Earl of
Committees, Appointment of Chairman of, 44
Private Bill Business, 240

SHAW, Right Hon. F. (Dublin University)
Address in Answer to the Speech, 110

SHILL, Right Hon. R. L. (Dungarvon)
Address in Answer to the Speech, 104
Income Tax, The, 757, 759
Opening Letters—The Post Office, Com. moved for, 710, 712

SIBTHORP, Colonel D. L. W. (Lincoln)
Companies Clauses Consolidation, Com. cl. 20, 931; *cl.* 10, 1155, 1156; *cl.* 11, 1157, 1159
Financial Statement—The Budget, 502
Income Tax, The, 810
Poor Law Commissioners, Returns moved for, 218
Railways—Board of Trade, 175;—*Repeal of Act*, Leave, 266

Slave Trade, see *Address in Answer to the Speech—Africans, Treatment of*

SMITH, Right Hon. R. V. (Northampton)
Financial Statement—The Budget, 610
Railways—Private Committees—Board of Trade 151

SMITH, Right Hon. T. B. C. (*Ripon*)
Lucan, Earl of, Appointment of, 1230

Smoke Prohibition, c. Leave, 831

SMYTHE, Hon. G. A. P. S. (*Canterbury*)
Sperm Oil, 751

SOLICITOR GENERAL, The (Sir F. Thesiger)
(*Abingdon*)
Opening Letters—The Post Office, Com. moved
for, 967
Privilege—Howard v. The Sergeant at Arms,
382

SOMERSET, Right Hon. Lord G. C. H. (*Monmouthshire*)
Companies Clauses Consolidation, Leave, 170 ;
Com. 445, 446, 447, 448, 449, 746, 928, 929 ;
cl. 15, 930 ; cl. 111, 931 ; cl. 10, 1156 ; cl.
11, 1157, 1158, 1160, 1161, 1162
Railways—Board of Trade, 170, 175, 221

SPEAKER, The (The Right Hon. C. S. LEFEVRE)
(*Hampshire, N.*)
Address in Answer to the Speech, Reply, 164
Greenwich Hospital, Commissioners of—Railway,
Leave, 442, 443
Opening Letters—The Post Office, Com. moved
for, 691
Poor Law (Scotland), 245
Scinde, The Army in, Acknowledgment of
Vote of Thanks, 45
Sessional Orders—Admission of Strangers, 138

Sperm Oil, c. 751

SPOONER, Mr. R. (*Birmingham*)
Companies Clauses Consolidation, Com. cl. 111,
931

Stamp Duties Assimilation, c. 1R* 928

Standing Orders, see *Railways*

STANLEY, Lord
Railways—Reports of the Board of Trade, 378
Sugar Duties, 925

STANLEY, Mr. W. O. (*Anglesey*)
Holyhead Harbour, 1163

Strangers, Admission of—Sessional Orders, c.
Amend. (Mr. Christie) 137

STRANGFORD, Viscount
Railway Reports, 523

STRUTT, Mr. E. (*Derby*)
Opening Letters—The Post Office, Com. moved
for, 941, 1014

Sugar Duties, c. 528 ; l. 924 ; c. 932 ;—*Draw-
backs* 1042 ;—Amend (Mr. M. Gibson)
1043, [o. q. A. 211 N. 84 M. 127] 1151 ;
Amend. (Lord J. Russell) 1234, [o. q. A.
236 N. 142 M. 94] 1343

Summons, Service of (Scotland), l. 1R* 511

Supply, c. 212 ;—*Exchequer Bills*—(£18,404,500)
345 ;—see *Income Tax*

Surgeons, College of, see *Physicians*

SUTTON, Hon. J. H. T. M. (*Cambridge*)
Gilbert Unions, Com. moved for, 215

Tahiti, Affairs of, c. 166

Taxation, Local, l. 1025

TENNENT, Mr. J. E. (*Belfast*)
India, Communication with, 826

Thames Embankment—Tax on Coals, c. 164

Thames Navigation Debt, c. 1R* 1154

THORNELEY, Mr. T. (*Wolverhampton*)
Emigration—Dr. Rolph, 444

Trade, Board of—Railways, c. 138, 170

Turkey, Commercial Treaty with, c. 454

TURNER, Mr. E. (*Truro*)
Financial Statement—The Budget, 501

TYRELL, Sir J. T. (*Essex, N.*)
Financial Statement—The Budget, 625
Income Tax, The, 765

VILLIERS, Hon. C. P. (*Wolverhampton*)
Address in Answer to the Speech, 625
Corn Laws—Agricultural Protection, 200
Sugar Duties, 1087

WAKLEY, Mr. T. (*Finsbury*)
Address in Answer to the Speech, Report, 157
Children, Employment of, in Calico Print Works,
Leave, 663
Companies Clauses Consolidation, Com. 447, 449
Financial Statement—The Budget, 503
Medical Officers in Poor Law Unions, 298, 304
Navy, State of the, Com. moved for, 433
Opening Letters—The Post Office, Com. moved
for, 737, 738,
Physic and Surgery, Leave, 1220
Railways—Board of Trade, 175 ;—Repeal of Act,
Leave, 285, 295 ;—Reports, 541
Settlement, Law of, Leave, 338
Workhouses, Employment in, 309, 311

WALLACE, Mr. R. (*Greenock*)
Address in Answer to the Speech, Report, 156
Children, Employment of, in Calico Print Works,
Leave, 660
Companies Clauses Consolidation, Com. cl. 11,
1161
Court of Session (Scotland), Leave, 1163
Income Tax, The, 810
Private Bill Business, 208
Railways, 133 ;—Private Committees—Board of
Trade, 138 ;—Repeal of Act, Leave, 246, 297 ;
—Reports, 532
Weights and Measures (Scotland), 211

WARBURTON, Mr. H. (*Kendal*)
Financial Statement—The Budget, 509, 567,
601
Opening Letters—The Post Office, Com. moved
for, 734, 736
Railways—Repeal of Act, Leave, 276

WARD, Mr. H. G. (*Sheffield*)

Financial Statement—The Budget, 505

Opening Letters—The Post Office, Com. moved for, 853

WATSON, Mr. W. H. (*Kinsale*)

Opening Letters—The Post Office, Com. moved for, 956

Roman Catholic Penal Acts Relief, Leave, 833

WAWN, Mr. J. T. (*South Shields*)Companies Clauses Consolidation, Com. *cl.* 15, 929*Weights and Measures (Scotland)*, c. 211

WELLINGTON, Duke of

Committees, Appointment of Chairman of, 44

Finance—Import Duties, 237

Public Business, 224, 240, 241

Railway Reports, 519

WHARNCLIFFE, Lord

Address in Answer to the Speech, 26

Lords, New House of, 927

Railway Reports, 523

Taxation, Local, 1027

WILDE, Sir T. (*Worcester*)

Opening Letters—The Post Office, Com. moved for, 851

WILLIAMS, Mr. W. (*Coventry*)

Address in Answer to the Speech, Report, 155

Financial Statement—The Budget, 498

Income Tax, The, 768

WILLIAMS, Mr. W.—*continued.*

Opening Letters—The Post Office, Com. moved for, 947

Sessional Orders—Interference of Peers, 134

Sugar Duties—Drawbacks, 1042

Supply—Exchequer Bills, 345

Window Duties, c. Returns moved for, [A. 5, N. 31, M. 26] 821WOOD, Colonel J. (*Breconshire*)

Settlement, Law of, Leave, 323, 332

WOOD, Mr. C. (*Halifax*)

Financial Statement—The Budget, 582

Navy, State of the, Com. moved for, 419, 440

Railways—Board of Trade Reports, 532

Sugar Duties, 1313

Workhouses, Employment in, c. 304, 327WORTLEY, Hon. J. S. (*Buteshire*)

Opening Letters—The Post Office, Com. moved for, 845, 901, 923, 993

WORTLEY, Hon. J. S. (*Yorkshire W. R.*)

Africans, Treatment of Liberated, 1198

Railways—Repeal of Act, Leave, 275

WYSE, Mr. T. (*Waterford City*)

Address in Answer to the Speech, 96

YORKE, Mr. H. G. R. (*York City*)

Railways—Board of Trade, 185

YOUNG, Mr. J. (*Cavan*)

Sessional Orders, 13

LIST OF PUBLIC BILLS IN PARLIAMENT, AND PROCEEDINGS THEREON, SESSION 1845.

TITLE OF BILL.	PROGRESS THROUGH (	COMMONS.				LORDS.			ROYAL ASSENT.
		LEAVE GIVEN, OR BILL BROUGHT FROM LORDS.	BILL READ 1 ^o .	BILL READ 2 ^o .	BILL READ 3 ^o .	BILL READ 1 ^a .	BILL READ 2 ^a .	BILL READ 3 ^a .	
Bail in Error	 L.	Feb. 24.	Feb. 25.	..	..	Feb. 2).			
Bastardy		Feb. 25.	Feb. 25.						
Colleges of Physicians and Surgeons		Feb. 6.	Feb. 6.	Feb. 10.					
Companies Clauses Consolidation	 [Scotland]	Feb. 6.	Feb. 6.	Feb. 10.					
Companies Clauses Consolidation	 [Scotland]								
Compensation to Families of Persons killed by Accident	 L.	..	..	Feb. 13.	Feb. 20.	Feb. 18.			
Constables		Feb. 13.	Feb. 13.	..	..	Feb. 24.			
Deodands Abolition	 [Scotland]	..	..	..	..				
Justices' Clerks and Clerks of the Peace	 L.	Feb. 20.	Feb. 26.	Feb. 10.					
Lands Clauses Consolidation		Feb. 6.	Feb. 6.	Feb. 10.					
Lands Clauses Consolidation	 [Scotland]	Feb. 6.	Feb. 6.	Feb. 10.					
Outlawries	. . . . .	..	Feb. 4.						
Parochial Settlement		Feb. 11.	Feb. 17.						
Physic and Surgery		Feb. 25.	Feb. 25.						
Property Tax		Feb. 20.	Feb. 21.						
Railway Clauses Consolidation		Feb. 6.	Feb. 6.	Feb. 10.					
Railway Clauses Consolidation	 [Scotland]	Feb. 6.	Feb. 6.	Feb. 10.					
Roman Catholic Relief		Feb. 20.	Feb. 20.			Feb. 4.			
Select Vestries	 L.	..	..	..	..	Feb. 13.			
Service of Process	. . . . .	..	..	..	..	Feb. 13.			
Service of Process	 [Ireland] L.	..	..	..	..	Feb. 13.			
Service of Summons	 [Scotland] L.	..	..	..	..	Feb. 17.			
Stamp Duties Assimilation		Feb. 20.	Feb. 21.						

PRIVATE BILLS.

TITLE OF BILL.	PROGRESS THROUGH	COMMONS.				LORDS.			ROYAL ASSENT.
		PETITION PRE- SENTED, OR BILL BROUGHT FROM LORDS.	BILL READ 1 ^o .	BILL READ 2 ^o .	BILL READ 3 ^o .	BILL READ 1 ^a .	BILL READ 2 ^a .	BILL READ 3 ^a .	
Amicable Society Assurance	[Company]	Feb. 21.							
Anderson	[Municipal & Police]	Feb. 26.							
Ashton, Stalybridge, and Liver- pool Junction (Ardwick and Guide Bridge Branches)	[Railway]	Feb. 5.							
Barnsley Junction	[Railway]	Feb. 14.							
Belfast	[Improvement]	Feb. 26.							
Belfast and Ballymena	[Railway]	Feb. 7.							
Berks and Hants	[Railway]	Feb. 24.							
Birkenhead (Commissioners')	[Dock]	Feb. 7.							
Birkenhead (Company's)	[Docks]	Feb. 12.							
Birmingham and Staffordshire	[Gas]	Feb. 13.							
Blackburn	[Waterworks]	Feb. 25.							
Blackburn and Preston	[Railway]	Feb. 25.							
Blackburn, Burnley, Accring- ton, and Colne Extension	[Railway]	Feb. 10.							
Blackburn, Darwen, and Bolton	[Railway]	Feb. 21.							
Black Sluice	[Drainage and Navigation]	Feb. 25.							
Bradford	[Gas]	Feb. 19.							
Bridgeton	[Municipal & Police]	Feb. 13.							
Bridgewater	[Navigation & Railway]	Feb. 14.							
Brighton and Chichester (Ports- mouth Extension)	[Railway]	Feb. 21.							
Britten's	[Divorce]	..			..	Feb. 6.	Feb. 24.		
Burnley	[Improvement]	..			..				
Caledonian	[Railway]	Feb. 21.							
Calton and Bridgeton	[Police]	Feb. 5.							
Cambridge and Lincoln	[Railway]	Feb. 19.							
Chester and Birkenhead Exten- sion	[Railway]	Feb. 14.							
Chester and Holyhead	[Railway]	Feb. 7.							
		Feb. 13.							

PRIVATE BILLS—Continued.

TITLE OF BILL.	PROGRESS THROUGH—	COMMONS.				LORDS.			ROYAL ASSENT.
		PETITION PRE- SENTED, OR BILL BROUGHT FROM LORDS.	BILL READ 1 ^o .	BILL READ 2 ^o .	BILL READ 3 ^o .	BILL READ 1 ^a .	BILL READ 2 ^a .	BILL READ 3 ^a .	
Cloughton cum Grange St. Andrew's	[Church]	Feb. 24.							
Cloughton cum Grange (St. John the Baptist's)	[Church]	Feb. 24.							
Clydesdale Junction	[Railway]	Feb. 10.							
Cockermouth and Workington	[Railway]	Feb. 7.							
Cornwall	[Railway]	Feb. 13.	Feb. 20.	Feb. 25.					
Cromford	[Canal]	Feb. 14.							
Devonport	[Gas & Coke]	Feb. 11.	Feb. 26.						
Direct Northern (No. 1)	[Railway]	Feb. 21.							
Dublin and Belfast Junction, (Branch to Kells)	[Railway]	Feb. 25.							
Dublin and Drogheda	[Railway]	Feb. 24.							
Dundalk and Enniskillen	[Railway]	Feb. 24.							
Eastern Counties (Cambridge and Huntingdon Line)	[Railway]	Feb. 12.	Feb. 26.						
Eastern Counties (Ely and Whittlesea Deviation)	[Railway]	Feb. 12.	Feb. 26.						
Eastern Counties (Hertford and Biggleswade Line)	[Railway]	Feb. 12.							
Edinburgh and Glasgow	[Railway]	Feb. 5.							
Edinburgh and Hawick	[Railway]	Feb. 11.							
Ellesmere and Chester and Birmingham and Liverpool Junction	[Canals Union]	Feb. 6.	Feb. 19.	Feb. 24.					
Erewash Valley	[Railway]	Feb. 24.							
Falmouth	[Harbour Improvement]	Feb. 25.							
Fisher Lane (Greenwich)	[Improvement]	Motion.	Feb. 13.						
Forth and Clyde	[Navigation]	Feb. 14.							
Forth and Clyde Navigation and Union (No. 1)	[Canal Junction]	Feb. 25.							

PRIVATE BILLS—Continued.

TITLE OF BILL.	PROGRESS THROUGH	COMMONS.				LORDS.			ROYAL ASSENT.
		PETITION PRE-SENTED, OR BILL BROUGHT FROM LORDS.	BILL READ 1 ^o .	BILL READ 2 ^o .	BILL READ 3 ^o .	BILL READ 1 ^a .	BILL READ 2 ^a .	BILL READ 3 ^a .	
Foulmire	[Inclosure]	Feb. 11.							
Glasgow	[Bridges]	Feb. 25.							
Glasgow and Shotts	[Road]	Feb. 25.							
Glasgow, Dumfries & Carlisle	[Railway]	Feb. 5.	Feb. 25.						
Glasgow Junction	[Railway]	Feb. 6.							
Glasgow, Paisley, Kilmarnock, and Ayr	[Railway]	Feb. 6.							
Great Grimsby and Sheffield Junction	[Railway]	Feb. 10.	Feb. 25.						
Great Southern and Western (Ireland)	[Railway]	Feb. 18.							
Greenwich Colliery	[Railway]	Motion.	Feb. 17.						
Guildford, Chichester, and Portsmouth	[Railway]	Feb. 5.	Feb. 26.						
Harwell and Streatley	[Road]	Feb. 13.							
Heywood (No. 1)	[Waterworks]	Feb. 12.							
Heywood (No. 2)	[Waterworks]	Feb. 12.	Withdrawn.						
Huddersfield	[Waterworks]	Feb. 24.							
Huddersfield and Manchester	[Railway & Canal]	Feb. 10.	Feb. 25.						
Huddersfield and Sheffield Junction	[Railway]	Feb. 14.							
Hull and Selby (Bridlington Branch)	[Railway]	Feb. 6.							
Kendal and Windermere	[Railway]	Feb. 7.	Feb. 20.	Feb. 24.	Feb. 24.				
Kingston upon Hull	[Docks]	Feb. 5.	Feb. 20.	Feb. 24.	Feb. 24.				
Labouring Classes Improvement	[Society]	Feb. 6.	Feb. 19.	Feb. 24.	Feb. 24.				
Lancaster and Carlisle	[Railway]	Feb. 7.	Feb. 20.	Feb. 24.	Feb. 24.				
Launceston and South Devon	[Railway]	Feb. 24.							
Leeds and Bradford Extension (Shipley to Colne)	[Railway]	Feb. 6.	Feb. 19.		Feb. 24.				
Leeds and Thirsk	[Railway]	Feb. 14.							

PRIVATE BILLS—Continued.

TITLE OF BILL.	PROGRESS THROUGH (	COMMONS.					LORDS.			ROYAL ASSENT.
		PETITION PRE- SENTED, OR BILL BROUGHT FROM LORDS.	BILL READ 1 ^o .	BILL READ 2 ^o .	BILL READ 3 ^o .	BILL READ 1 ^a .	BILL READ 2 ^a .	BILL READ 2 ^a .		
Leeds and West Riding Junc- tion	[<i>Railway</i>]	Feb. 5.	Feb. 19.	Feb. 24.						
Leeds, Dewsbury, and Man- chester Junction	[<i>Railway</i>]	Feb. 11.	Feb. 19.	Feb. 24.						
Leicester Freemen's	[<i>Allotments</i>]	Feb. 6.	Feb. 19.	Feb. 24.						
Liverpool	[<i>Docks</i>]	Feb. 25.	Feb. 19.	Feb. 24.						
Liverpool Guardian	[<i>Gas</i>]									
London and South Western (Metropolitan Extension)	[<i>Railway</i>] (No. 1)	Feb. 5.	Feb. 19.	Feb. 24.						
London and York	[<i>Railway</i>]	Feb. 6.	Feb. 21.							
London Orphan	[<i>Asylum</i>]	Feb. 26.								
London, Worcester, and South Staffordshire	[<i>Railway</i>]	Feb. 14.								
Lynn and Ely	[<i>Railway</i>]	Feb. 14.								
Manchester and Birmingham (Ashton Branch)	[<i>Railway</i>]	Feb. 5.	Feb. 19.	Feb. 24.						
Manchester and Buxton	[<i>Railway</i>]	Feb. 13.								
Manchester and Leeds	[<i>Railway</i>]	Feb. 5.	Feb. 19.	Feb. 24.						
Manchester and Leeds (Burn- ley Branch and Oldham and Heywood Branches Extension) Manchester and Salford	[<i>Railway</i>] [<i>Waterworks</i>]	Feb. 5. Feb. 17.	Feb. 19.	Feb. 24.						
Manchester, Bury, and Rossen- dale (Heywood Branch)	[<i>Railway</i>]	Feb. 14.								
Manchester Division [Stipendiary Magistrate] Manchester South Junction and Altrincham	[<i>Railway</i>] [<i>County Rate</i>]	Feb. 7. Feb. 10.	Feb. 20.	Feb. 24.						
Middlesex	[<i>County Rate</i>]	Feb. 26.								
Monkland and Kirkintilloch Newark and Sheffield	[<i>Railway</i>] [<i>Railway</i>]	Feb. 5. Feb. 26.	Feb. 25.							
Newcastle and Berwick	[<i>Railway</i>]	Feb. 11.								

PRIVATE BILLS—Continued.

TITLE OF BILL.	PROGRESS THROUGH	COMMONS.				LORDS.			ROYAL ASSENT.
		PETITION PRESENTED, OR BILL BROUGHT FROM LORDS.	BILL READ 1 ^o .	BILL READ 2 ^o .	BILL READ 3 ^o .	BILL READ 1 ^a .	BILL READ 2 ^a .	BILL READ 3 ^a .	
Newcastle and Darlington (Branding Junction)	[Railway]	Feb. 12.							
Newcastle upon Tyne	[Coal Turn]	Feb. 18.							
Newcastle upon Tyne and North Shields (Tynemouth Extension, &c.)	[Railway]	Feb. 18.							
Newport and Pontypool	[Railway]	Feb. 24.							
North British	[Railway]	Feb. 18.							
Norwich and Brandon Deviation (and Diss and Dereham)	[Railway]	Feb. 6.							
Branches	[Waterworks]	Feb. 10.							
Nottingham	[Mileways]	Feb. 24.							
Oxford	[Railway]	Feb. 20.	Feb. 25.						
Oxford and Rugby	[Gas]	Feb. 21.							
Paisley	[Gas]	Feb. 6.							
Plymouth and Stonehouse	[Gas]	Feb. 5.							
Pudsey	[Gas]	Feb. 5.	Feb. 19.	Feb. 24.					
Richmond (Surrey)	[Railway]	Feb. 5.	Feb. 19.	Feb. 24.					
St. Helen's	[Improvement]	Feb. 25.							
Scarborough	[Waterworks]	Feb. 19.							
Scottish Central	[Railway]	Feb. 11.							
Shaws	[Waterworks]	Feb. 25.							
Sheffield	[Waterworks]	Feb. 18.							
Sheffield and Lincolnshire Junction	[Railway]	Feb. 11.							
Shelsley	[Road]	Feb. 25.							
Shrewsbury and Birmingham	[Railway]	Feb. 6.							
Southampton	[Docks]	Feb. 14.							
South Devon (Tavistock and other Branches)	[Railway]	Feb. 24.							
South Eastern	[Railway]	Feb. 18.							

PRIVATE BILLS—Continued.

TITLE OF BILL.	PROGRESS THROUGH	COMMONS.			LORDS.			ROYAL ASSENT.
		PETITION PRE- SENTED, OR BILL BROUGHT FROM LORDS.	BILL READ 1 ^o .	BILL READ 2 ^o .	BILL READ 3 ^o .	BILL READ 1 ^a .	BILL READ 2 ^a .	
South Wales	[Railway]	Feb. 26.	Feb. 20.	Feb. 25.				
Sparrows Herne	[Road]	Feb. 7.						
Spoad (Clun), &c.	[Inclosure]	Feb. 26.						
Stalybridge	[Waterworks]	Feb. 24.						
Standard Life Assurance	[Company]	Feb. 19.						
Stokenchurch	[Road]	Feb. 26.						
Surrey Iron Railway	[Company Dissolving]	Feb. 24.						
Surrey and Sussex	[Roads]	Feb. 19.						
Taunton	[Gas]	Feb. 12.						
Thames and Medway	[Canal]	Feb. 14.						
Thames Navigation	[Debt]	Feb. 10.						
Trent Valley	[Railway]	Feb. 20.	Feb. 25.					
Ulster Extension	[Railway]	Feb. 14.						
Wakefield, Pontefract, and Goole	[Railway]	Feb. 5.	Feb. 26.					
Wallasey	[Improvement]	Feb. 14.						
Waterford and Kilkenny	[Railway]	Feb. 20.						
West Cornwall	[Railway]	Feb. 18.						
West of London and Westminster	[Railway]							
West Yorkshire	[Cemetery]	Feb. 21.						
Whitby and Pickering	[Railway]	Feb. 5.		Feb. 24.				
Winwick	[Railway]	Feb. 7.						
Woker	[Rectory]	Feb. 24.						
York and North Midland (Bridlington Branch)	[Road]	Feb. 21.						
York and North Midland (Goole Branch)	[Railway]	Feb. 14.						
York and North Midland (Harrogate Branch)	[Railway]	Feb. 14.						
York and Scarborough (Deviation)	[Railway]	Feb. 24.	Feb. 19.	Feb. 24.				
		Feb. 5.						







